

April 13, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

RE: Notice of *Ex Parte* presentation in:

CSR-7902-Z
CS Docket No. 97-80
WT Docket No. 05-265
GN Docket No. 09-51

Dear Ms. Dortch:

On April 12, 2010, Harold Feld of Public Knowledge, Andrew Jay Schwartzman and Matt Wood of Media Access Project, Ben Lennet and Michael Calabrese of New America Foundation, and Joel Kelsey of Consumers Union (collectively, PISC), met with Bruce Gottlieb, Chief Counsel and Senior Legal Advisor to Chairman Genachowski, with regard to the above captioned proceedings.

With regard to WT Docket No. 05-265, PISC expressed support for eliminating the in-region exception to the roaming requirements, and for including data in the list of services for which roaming must be offered. In addition, PISC suggested that any wireless provider offering voice service or data service using unlicensed spectrum should also be eligible for roaming on the same terms as carriers using licensed spectrum.

PK expressed support for the aggressive timelines for set top box reform established by the Commission, and urged the Commission to be vigilant in honoring its goals. Consumers have waited too long for true set top box competition, and now that the Commission has decided address this problem it is critical to move quickly.

PK also expressed concern about a proposal to incorporate the current Evolution waiver into Commission rules. First and foremost, PK insisted that that the Commission resolve its pending Petition for Reconsideration of the waiver before taking any steps to extend its reach. The current waiver process has injured companies who, in good faith, invested in developing compliant set top boxes with the intention of bringing them to market. PK considers waivers for smaller companies unnecessary, but they are unlikely to have significant impact on the market as a whole. By contrast, allowing the entire industry to provide non-compliant low-cost boxes, to make rental of such boxes the default option, and to allow providers to subsidize such non-compliant boxes with other revenues, would significantly undermine the development of a market in cable-card compliant devices.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/_____
Harold Feld
Legal Director
Public Knowledge

CC: Bruce Gottleib