

April 14, 2010

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

RE: Notice of *Ex Parte* presentation in:                      CSR-7902-Z  
   CS Docket No. 97-80  
   GN Docket No. 09-51

Dear Ms. Dortch:

On April 13, 2010, Harold Feld and Gigi Sohn of Public Knowledge met with Austin Schlick, FCC General Counsel, with regard to the above captioned proceedings.

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: Austin Schlick