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Via Electronic Filing

July 20, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

This is to notify you that on July 19, 2010, Christopher McLean, Executive Director of the Consumer Electronics Retailers Coalition (CERC), Bob Schwartz of Constantine Cannon (and counsel to CEA and CERC), and the undersigned, met with William Lake, Chief of the Media Bureau, and Mary Beth Murphy, Steve Broeckaert, Alison Neplokh, Brendan Murray, Jeff Neumann, Joy Hewitt, and Michelle Hilera to discuss the joint CEA and CERC comments and reply comments pertaining to the above-captioned proceeding.

At the meeting, we expressed the joint parties' position that now is the time to finally achieve the goals of Section 629 through revised CableCARD rules. The availability of Internet-TVs increases the likelihood that implementation of a robust CableCARD regime will yield substantial benefits for consumers.

We urged staff to adopt the rules that CEA and CERC proposed in our joint comments. Further, we noted that there was an error in the proposed rules that we submitted in Appendix A in both our comments and reply comments, thus we append hereto a corrected version. Specifically, we correct Section 76.1205(c) to read:

- (c) For the purposes of this section, "reasonably allocable" shall mean a price reasonably based on the actual cost of the equipment amortized over a period of no **more** than 60 months.

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules. A copy of this letter has been delivered by e-mail to the meeting participants.

Respectfully submitted,

/s/ Julie M. Kearney

Julie M. Kearney
Vice President, Regulatory Affairs

cc: William Lake
Mary Beth Murphy
Steve Broeckaert
Alison Neplokh
Brendan Murray
Jeff Neumann
Joy Hewitt
Michelle Hilera

Appendix A

Proposed Regulations (Amended)

Amend § 76.1205 to read as follows:

§ 76.1205 CableCARD Support.

(a) Technical information concerning interface parameters that are needed to permit navigation devices to operate with multichannel video programming systems shall be provided by the system operator upon request in a timely manner.

(b) A multichannel video programming provider that is subject to the requirements of Section 76.1204(a)(1) must comply with the following requirements:

(1) Such provider shall not discriminate against any subscriber who attaches a navigation device obtained from a retailer, manufacturer, or other vendor that is unaffiliated with such multichannel video programming distributor by providing installation, technical support, or other customer service that is inferior in scope or quality to the service provided to subscribers who use a navigation device supplied by the provider.

(2) Such provider shall provide the means to allow subscribers to self-install and activate CableCARDS.

(3) Such provider shall supply CableCARDS:

(A) to a customer on request, in quantities sufficient to operate the customer's equipment; and

(B) to any retailer that sells navigation devices which accept a CableCARD, in a commercially reasonable manner, in quantities sufficient to fulfill the need for CableCARDS in navigation devices sold by the retailer;

(4) CableCARDS supplied pursuant to subsection (b)(3) shall be multistream, unless the customer or retailer requests single-stream CableCARDS.

(5) With respect to professional installations, such provider shall:

(A) ensure that the technician arrives with no fewer than the number of CableCARDS requested by the customer; and

(B) ensure that each such CableCARD is capable of functioning on the multichannel video distribution system to which it is to be connected.

(6) Such provider shall separately disclose to consumers in a conspicuous manner in advertisements, web sites, and billing –

(A) any assessed fees for rental of single and additional CableCARDS; and,

(B) where such provider includes equipment in the price of a bundled offer of one or more services, the fees reasonably allocable to

(i) the rental of single and additional CableCARDS and

(ii) the rental of operator supplied navigation devices.

(7) CableCARD rental fees shall be priced uniformly by such provider without regard to the intended use in operator-supplied or consumer-owned equipment.

(8) For any bundled offer combining service and equipment into a single fee, including any bundled offer providing a discount for the purchase of multiple services, such provider shall make such offer available without discrimination to any customer that owns a navigation device, and shall further offer such customer a discount from such offer equal to an amount not less than the monthly rental fee reasonably allocable to the lease of the operator-supplied navigation device included with that offer.

(c) For purposes of this section, “reasonably allocable” shall mean a price reasonably based on the actual cost of the equipment amortized over a period of no more than 60 months.

Add new § 76.1212 as follows:

§ 76.1212 Compatibility for Switched Digital Video Systems.

(a) By no later than September 30, 2010, and upon request thereafter, switched digital video operators shall make available in a timely manner to manufacturers of unidirectional digital cable products a standard protocol and interface parameters that permit cable subscribers with unidirectional digital cable products to access switched digital channels (“SDV Protocol”). The SDV Protocol shall be based on out-of-band communication between the unidirectional digital cable product and the switched digital video operator using Internet Protocol, and shall utilize to the extent possible voluntary industry standards and technologies subject to reasonable and nondiscriminatory licensing.

(b) By no later than January 1, 2011, a switched digital video operator shall implement a functional system using the SDV Protocol that enables subscribers with unidirectional digital cable products to request and receive all switched digital video channels to which they have subscribed.

(c) A switched digital video operator shall not discriminate in terms and conditions, including with respect to channel availability, quality, customer service, and pricing, between subscribers with unidirectional digital cable products using the SDV Protocol and subscribers with operator-supplied or bidirectional digital cable products.