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August 17, 2010

Electronic Submission

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Ex parte: Petition for Declaratory Ruling Regarding Public,
Educational and Governmental Programming – MB Docket No. 09-13**

Dear Ms. Doctch:

It has come to AT&T's attention that the attached AT&T ex parte dated May 28, 2010 was filed in GN Docket No. 10-25, but does not appear to have been included in the record of MB Docket No. 09-13.

Please include the attached letter in the record of MB Docket No. 09-13.

Sincerely,

A handwritten signature in blue ink, appearing to read "James K. Smith".

Attachment



Christopher Heimann
General Attorney &
Assistant General Counsel

AT&T Services, Inc.
1120 20th Street NW, Suite 1000
Washington, D.C. 20036
Phone 202 457-3058
Fax 202 457-3074

May 28, 2010

EX PARTE

FILED/ACCEPTED

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

MAY 28 2010

Federal Communications Commission
Office of the Secretary

Re: Ex Parte re: Petitions for Declaratory Ruling Regarding Public, Educational and Governmental Programming – MB Docket No. 09-13, CSR-8126, CSR-8127, CSR-8128; Examination of the Future of Media and Information Needs of Communities in a Digital Age, GN Docket No. 10-25

Dear Ms. Dortch:

This is to respond to comments filed by the National Association of Telecommunications Officers and Advisors (NATOA) on May 7, 2010, in the Commission's proceeding regarding the future of media and information needs of communities in a digital age, urging the Commission to grant two petitions seeking a declaration that the way in which AT&T provides PEG programming on its U-verse TV service violates federal law.¹ In its comments, NATOA parrots claims regarding the purported deficiencies of AT&T's PEG offering, including, *inter alia*, that it unlawfully strips out closed captioning and secondary audio programming,² and is cumbersome, time consuming and frustrating for viewers.³ In pleadings filed last year, AT&T responded to each of these claims while demonstrating that its PEG offering fully complies with all applicable federal requirements. It will not repeat itself here.⁴ But beyond that, NATOA ignores the enhancements AT&T has made and continues to make to its PEG service, including upgrades

¹ Comments of the National Association of Telecommunications Officers and Advisors (NATOA) in GN Docket No. 10-25 (filed May 7, 2010), urging that the Commission act on the petitions filed by the Alliance for Community Media, CSR-8126, and the City of Lansing, CSR-8127, which were consolidated and put out for comment in MB Docket 09-13. AT&T notes that, while NATOA complains about AT&T's purported failure to comply with federal law, it failed to file its request for action on the petitions in the relevant docket – as required by the Commission's rules.

² *Id.* at 7.

³ *Id.* at 5 (claiming that "PEG Channels on AT&T's U-verse service may take over a minute to download to the consumer's set-top box").

⁴ See AT&T Comments, MB Docket No. 09-13 (filed Mar. 9, 2009); AT&T Reply Comments, MB Docket No. 09-13 (filed Apr. 1, 2009).

Ms. Dortch
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last year that reduce the time it takes to access PEG programming, and enable the pass-through of both closed captioning and SAP.

For example, contrary to NATOA's claims, it does not take up to a minute to access PEG channels on U-verse. In 2008, AT&T implemented software enhancements to U-verse that reduced the time to access the PEG channel menu to 8-10 seconds. Last year, we implemented additional enhancements that further reduced the access time. Now, a U-verse subscriber can access the PEG channel menu, select a PEG channel, and begin viewing PEG programming in just a few seconds. Those enhancements also have enabled U-verse to pass-through both closed captioning and SAP – assuming the PEG programming provider provides closed captioning and SAP in conjunction with their programming, which few actually do.

To demonstrate the efficacy of these upgrades, AT&T has prepared a video, which is available on its website, showing how easily and quickly subscribers can access PEG programming on U-verse, as well as demonstrating how subscribers can access closed captioning on one of the few PEG channels (and one of the few programs on that channel) that provides such captioning. That video can be found at: <http://www.att.com/gen/public-affairs?pid=12905>. AT&T refers the Commission (and NATOA) to this video.

If you have any questions about these enhancements or, more generally, about AT&T's U-verse service or its PEG offering, feel free to contact me at: 202-457-3058.

Sincerely,

/s/ Christopher M. Heimann

cc: Nancy Murphy
Mary Beth Murphy
John Norton