



# Public Knowledge

September 29, 2010

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

RE: Notice of Ex Parte presentation in CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

Today, Harold Feld and John Bergmayer of Public Knowledge (PK) met with William Lake, Nancy Murphy, Alison Neplokh, Steve Broeckaert, Jeffrey Neumann, and Brendan Murray of the Media Bureau.

PK discussed the importance of fixing and strengthening the CableCARD rules. CableCARD remains an important technology, and many people have invested in CableCARD devices. People shouldn't have to throw out their equipment because cable systems will not comply with the rules. In the short to medium term, an improved CableCARD regime is the best way for the Commission to improve video device competition on cable systems, and will set the stage for the rollout of AllVid. Ideally, two-way communication should not require extra hardware beyond the CableCARD. For example, all-in-one TVs are no longer all-in-one if they require a cumbersome tuning adapter to access switched digital channels. Seemingly technical issues like whether tuning adapters or an IP backchannel is used can thus drastically affect third-party adoption of CableCARD. If the Commission weakens "common reliance" by enshrining the Evolution waiver as a rule, or fails to take tough action against device/service cross-subsidization, it could further weaken the market.

The record demonstrates that consumers are not satisfied with the current CableCARD installation and support rules. Since overbuilding is rare and DBS does not support CableCARD, there is no competition between cable systems to provide better customer support for third-party CableCARD devices. Thus, the Commission should create a streamlined complaint procedure to assure compliance, as well as require a self-install option.

PK left the included document with Bureau staff.

Sincerely,

/s/ John Bergmayer  
Staff Attorney  
Public Knowledge

CC:

William Lake  
Nancy Murphy  
Alison Neplokh  
Mary Beth Murphy

Brendan Murray  
Jeffrey Neumann  
Steven Broeckaert  
Kris Monteith

Rosemary Harold  
Joshua Cinelli  
Brad Gillan  
Rick Kaplan