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FILED ELECTRONICALLY AND VIA EMAIL

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

Re: Ex Parte Notice, Establishment of a Model for Predicting Digital Broadcast Television, ET Docket No. 10-152; Field Strength Received at Individual Locations Measurement Standards for Digital Television Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004, ET Docket No. 06-94

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), this *Notice of Ex Parte* of DIRECTV, Inc. ("DIRECTV") and DISH Network L.L.C. ("DISH") reports that, on November 16, 2010, representatives of DISH and DIRECTV met with Charles Mathias, Senior Legal Advisor, and Krista Witanowski, Legal Advisor, from Commissioner Baker's office to discuss issues related to the predictive model and measurement proceeding captioned above. At this meeting, the satellite carriers made points consistent with their prior submissions, and also discussed the points set forth in the attached document.

Sincerely,

/s/

Pantelis Michalopoulos
Counsel for DISH Network L.L.C.

Attachment

cc: Charles Mathias
Krista Witanowski

**DIRECTV and DISH Network
Predictive Model and Measurement Standards Talking Points**

- 1. The Commission should not ignore Congress’s explicit and deliberate changes to the antenna standard.**
 - NAB’s *own* website stated that 40 percent of those predicted *ineligible* for distant signals could not receive local signals using any antenna.
 - Responding to this, Congress changed the key language by deleting the requirement of a “rooftop” antenna.
 - The deletion was thus far from accidental.
 - Committee language confirms the import of the deletion by stating that the Commission must consider the types of antennas that are “readily available for purchase” by consumers.

- 2. At a minimum, the Commission should immediately make three easy and fair adjustments to the predictive model, at least for households without an outdoor antenna:**
 - Reduce antenna height.
 - Account for wall penetration.
 - Permit use of an antenna that is “readily available for purchase.”
 - Account for interference.

- 3. The Commission can account for the mix of indoor and outdoor antennas in a variety of ways.**
 - The Commission can apply these adjustments only to households without an outdoor antenna, by the same token that it now uses a different antenna height for consumers who live in a single-story house.
 - Weighted average option – The Commission can apply a percentage of the adjustment mentioned above based on the CEA-reported percentage of antenna users with indoor antennas.

- 4. The Commission should allow measurements using antennas that are “readily available for purchase.”**
 - The Commission has already afforded similar flexibility in its analog measurement rules.
 - Now that Congress has unmistakably expressed its intent to permit use of such antennas, the Commission should not move in the opposite direction.