

March 10, 2011

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

**Re: *Ex Parte* Notice, Video Device Competition, MB Docket No. 10-91;  
Commercial Availability of Navigation Devices, CS Docket No. 97-80;  
Compatibility Between Cable Systems and Consumer Electronics  
Equipment, PP Docket No. 00-67**

Dear Ms. Dortch:

On March 9, 2011, Bob Zitter, Executive Vice President and CTO of Home Box Office, Inc. ("HBO") and the undersigned had separate meetings with: (1) Marilyn Sonn, Acting Legal Advisor to Chairman Genachowski, and Paul de Sa of the Office of Strategic Planning and Policy Analysis; and (2) William Lake, Nancy Murphy, Alison Neplokh, Steven Broeckaert, and Brendan Murray of the Media Bureau.

The purpose of these meetings was to reiterate the perspectives of program networks like HBO in the above-captioned proceeding,<sup>1</sup> including our commitment to enable consumers to access our content in innovative new ways such as HBOGo. In light of the dynamic and rapidly evolving environment for video content creation and distribution, marketplace innovation and inter-industry collaboration are best suited to meet consumer demand and sustain the continued production of high quality content.

As part of this discussion, Mr. Zitter and the undersigned noted that, while proponents of the AllVid approach have in recent *ex parte* filings acknowledged the importance of protecting high quality multichannel content, they have not explained in detail how they propose to achieve this goal.

Other significant concerns remain unaddressed including: (1) the potential disaggregation of program *networks* (in addition to disaggregation of cable *services*), (2) the disruption or alteration of intended content presentation and branding (including but not limited to the overlay or insertion of third party ads and/or inappropriate content), (3) the abrogation of private contractual and licensing arrangements designed to ensure content security and protection, as well as channel placement, (4) limits on the ability of content and service providers to innovate with new consumer uses and distribution

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<sup>1</sup> See Time Warner Inc. Comments at 7-10 (July 13, 2010); Joint Programmer Reply Comments at 2-6 (Aug. 12, 2010).

March 10, 2011

models, and (5) the use of search functionalities to promote illegitimate content sources over legitimate ones, or otherwise skew how consumers identify and choose which content to watch.

The FCC must address these concerns before taking further action in the above-captioned proceeding, and clearly and unequivocally state in any NPRM it may issue that it will not adopt any rules that enable, promote, or lead to the above harms.

Please contact me if you have any questions regarding this notice.

Sincerely,



Susan A. Mort

cc: Marilyn Sonn  
Paul de Sa  
William Lake  
Nancy Murphy  
Alison Neplokh  
Steven Broeckaert  
Brendan Murray  
Joshua Cinelli  
Rosemary Harold  
David Grimaldi  
Brad Gillen  
Jennifer Tatel