



Consumer Electronics Association  
1919 South Eads Street  
Arlington, VA  
22202 USA  
(866) 858-1555 toll free  
(703) 907-7600 main  
(703) 907-7601 fax  
www.CE.org

*Via Electronic Filing*

July 21, 2011

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

*Re: Notice of Ex Parte Presentation – CG Docket No. 10-213, WT Docket No. 96-198,  
CG Docket No. 10-145*

Dear Ms. Dortch:

This is to notify you that on July 20, 2011, Julie Kearney, Vice President, Regulatory Affairs, Consumer Electronics Association (“CEA”), accompanied by outside counsel William Maher and Mark Walker of Wilkinson Barker Knauer, LLP, met with Karen Peltz Strauss (CGB), Rosaline Crawford (CGB), Eliot Greenwald (CGB), Elizabeth Lyle (WTB), Brian Regan (WTB), Vijay Pattisapu (WTB), Jeffrey Tignor (WTB), and Doug Brake (WTB).

Consistent with its recently filed *ex parte* letter,<sup>1</sup> CEA urged that the Commission include the requested class waivers of Section 716 of the Act<sup>2</sup> for Internet-enabled televisions (the “subject TVs”) and Internet-enabled digital video players (the “subject DVPs”) in its final rules to be adopted in the above-referenced proceeding.<sup>3</sup> To help guide the meeting, CEA provided

---

<sup>1</sup> See *Ex Parte* Letter from Julie Kearney, CEA to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-198 (filed July 19, 2011) (“*July 19 Ex Parte*”) (requesting class waivers for Internet-enabled televisions and digital video players).

<sup>2</sup> See 47 U.S.C. § 617. Section 716(h)(1) provides the authority under which the waivers are requested. See *id.* § 617(h)(1).

<sup>3</sup> See *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010*, Notice of Proposed Rulemaking, 26 FCC Rcd 3133, 3156 ¶ 60 (2011) (“*NPRM*”) (“Are there specific classes of services or equipment that we should consider waiving in our final rules on Section 716?”).

attendees with the attached agenda for discussion of the procedural and substantive aspects of the requested waivers.

The requested waivers meet all the requirements of Section 716(h)(1) and serve the public interest.<sup>4</sup> Specifically, CEA emphasized the narrow nature of the requested waivers. The primary purpose of the subject TVs and DVPs as described in the *July 19 Ex Parte* is the delivery of video content, principally full-length, professional quality video programming, not access to the “advanced communications services” that are the subject of Section 716.<sup>5</sup> Consistent with the *July 19 Ex Parte*, CEA described examples of the subject TVs and DVPs.<sup>6</sup>

CEA also emphasized the need for waivers in order to provide the consumer electronics industry with the needed certainty to continue to innovate and meet changing market preferences.<sup>7</sup> Independent of the requested waivers, a phase-in period of at least 24 months before commencing enforcement of the new rules remains essential.<sup>8</sup>

Pursuant to Section 1.1206 of the Commission’s rules,<sup>9</sup> this letter is being electronically filed with your office and a copy of this submission is being provided to the meeting attendees from the Commission. Please let the undersigned know if you have any questions regarding this filing.

Respectfully submitted,

/s/ **Julie M. Kearney**

Julie M. Kearney  
Vice President, Regulatory Affairs

Attachment

cc: Karen Peltz Strauss  
Rosaline Crawford  
Eliot Greenwald  
Elizabeth Lyle

Brian Regan  
Vijay Pattisapu  
Jeffrey Tignor  
Doug Brake

---

<sup>4</sup> See *July 19 Ex Parte* at 2, 4, 7. The requested waivers also meet the Commission’s general waiver requirements. See *id.* at 8-9 & nn.42, 43.

<sup>5</sup> See *id.* at 3, 5-7, 8.

<sup>6</sup> See *id.* at 4-6 (describing subject TVs); 7-8 (describing subject DVPs).

<sup>7</sup> See *id.* at 9-10.

<sup>8</sup> See Comments of CEA, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-198, at 39 (filed Apr. 25, 2011); Reply Comments of CEA, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-198, at 3-4 (filed May 23, 2011).

<sup>9</sup> 47 C.F.R. § 1.1206.

**CVAA – Advanced Communications Services NPRM  
(CG Docket Nos. 10-213, 10-145, WT Docket No. 96-198)  
CEA *Ex Parte* Meeting Agenda**

July 20, 2011

**1. Background on CEA**

- a. Principal U.S. trade association for the consumer electronics and information technologies industries. 2,000 member companies that cumulatively generate more than \$186 billion in annual factory sales. (Com. at 2 & n.4)
- b. CEA and its member companies were actively involved in the CVAA legislative process and continue to engage in regulatory and standards activities relating to accessibility. (Com. at 2 & n.6)

**2. Scope of Definitions/Waiver Request (*ex parte* filed July 19, 2011)**

- a. CEA's *ex parte* covers two classes of equipment: (i) Internet-enabled televisions and (ii) Internet-enabled digital video players ("DVPs"). The *ex parte* supports and is consistent with ESA's waiver request for video game offerings.
- b. These classes of products should fall outside the scope of Section 716 and the definition of ACS. However, in an abundance of caution, CEA requests that the Commission grant class waivers of Section 716 for the Internet-enabled TVs and DVPs.
- c. The requested waivers meet all the requirements of Section 716(h)(1) and serve the public interest.
- d. Each class of equipment is multi-purpose, but is designed primarily for purposes other than ACS. The primary purpose of Internet-enabled TVs and DVPs is the delivery of video content, principally full-length, professional quality video programming.