



October 27, 2011

BY ELECTRONIC FILING

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

Re: *MB Docket No. 11-93*

Dear Ms. Dortch:

This is to inform you that Stacy Fuller of DIRECTV, Inc., Alison Minea of DISH Network L.L.C., and undersigned counsel met yesterday with William Lake, Michelle Carey, Nancy Murphy, Lyle Elder, Krista Witanowski, and Shabnam Javid of the Media Bureau and Eloise Gore of the Enforcement Bureau to discuss implementation of the CALM Act in the above referenced proceeding.

Both DIRECTV and DISH Network expressed their general support for the proposal for CALM Act compliance submitted by the National Cable and Telecommunications Association (“NCTA”).¹ They expressed a potential concern, however, with the requirement that all multichannel video programming distributors (“MVPDs”) must ensure that their equipment “passes through” information contained in the transmissions of digital program networks regarding the mitigation of loudness of network commercials. They noted that although the process used to convert high definition programming to standard definition format was designed to maintain the relative loudness levels of commercials and long-form content, it might not be deemed to be a strict pass through of information. DIRECTV also noted that it has slightly increased the gain of both AC-3 and non-AC-3 programming in order to ensure that all television sets can perform with sufficient audio. Here again, although this adjustment to the loudness of the channel as a whole does not change the relative loudness within the channel of either short-form or long-form content, it might not be deemed to be a strict pass through of information.

Accordingly, DIRECTV and DISH Network discussed two alternatives for revising NCTA’s proposal to ensure that it captures such practices. The first option would be to revise the language in section (1) of the NCTA proposal to read as follows:

¹ See Letter from Rick Chessen to Marlene H. Dortch, MB Docket No. 11-93 (Oct. 18, 2011).

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(1) All MVPDs must ensure that their equipment correctly processes for transmission to their subscribers the information contained in the transmissions of digital program networks regarding the relative loudness of network commercials consistent with A/85.

The second option would be to add a new provision between sections (1) and (2) of the NCTA proposal to specifically accommodate the practices of the DBS operators:

() Direct Broadcast Satellite operators will be deemed to be in compliance with the requirements of (1) above so long as the processes used for transmitting to subscribers the information contained in the transmissions of digital program networks correctly maintains the relative loudness of network commercials and long-form content consistent with A/85.

DIRECTV and DISH Network urged the staff to adopt one of these alternatives in order to ensure that the Commission's rules accommodate practices that comply with the CALM Act but may not be deemed a strict pass through of information.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV

cc: William Lake
Michelle Carey
Nancy Murphy
Lyle Elder
Krista Witanowski
Shabnam Javid
Eloise Gore