

February 11, 2012

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

RE: Notice of *Ex Parte* presentation in: MB Docket No. 11-169
PP Docket No. 00-67

Dear Ms. Dortch:

On February 23, 2012, Harold Feld, Legal Director, Public Knowledge (PK), met with Dave Grimaldi, Louis Peraetz, Angela Kronenberg and Kimberly Wilson with regard to the above captioned proceeding.

PK stressed that Medicaid is an unreliable criteria for eligibility for subsidized set-top boxes. The program varies from state to state, with varying degrees of enrollment for those eligible. Further, the Patient Protection and Affordable Care Act, which increased eligibility for those with income up to 130% of the poverty line, is pending before the Supreme Court. Medicaid alone is therefore too unreliable to serve as the sole determinant of eligibility. The risk that those deserving of subsidized set-top boxes will be unable to qualify for the program is too great. PK again urged that the Commission adopt the Lifeline/Linkup eligibility criteria.

With regard to the recent filings by equipment manufacturers such as Boxee and cable operators, PK believes that there are real benefits associated with the conversion of cable to digital. The Commission should proceed by rulemaking, and should act quickly to adopt final rules if it appears that Boxee and other similarly situated parties have had the opportunity to make their case. In reaching a final rule, it is important to strike the appropriate balance between keeping consumers who have purchased existing equipment whole, while simultaneously allowing for a swift transition to new technology.

Further, in the absence of an Allvid rule, the Commission should consider the importance of facilitating new technologies attached to cable systems in the manner envisioned by Congress in the adoption of Section 629. The Commission has repeatedly observed that these devices can provide a valuable incentive to consumers to adopt broadband, can provide much needed competition for video-related services, and can vastly improve the user experience.

At the same time, PK unequivocally believes that maintaining clear-QAM forever cannot be the only possible solution. But while no one has the right to rely permanently on a specific set of rules, the Commission has always allowed for a reasonable transition for incumbent users. Ideally, cable operators and CE manufacturers would come to a mutually acceptable transition plan. In the absence of such an agreement, the Commission must make a determination that reasonably balances the above considerations. As PK has repeatedly stated, the paramount

consideration should be that consumers are kept whole, and are not subject to sudden bill shock or loss of functionality of their devices without reasonable notice.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/_____
Harold Feld
Legal Director
Public Knowledge

CC: Dave Grimaldi
Louis Peraetz
Angela Kronenberg
Kimberly Wilson