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May 24, 2012

Via Electronic Filing

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Notice of Ex Parte Presentation**
Entertainment Software Association
CG Docket No. 10-213

Dear Ms. Dortch:

This is to notify you that on Tuesday, May 22, 2012, Christian Genetski, Senior Vice-President and General Counsel of the Entertainment Software Association ("ESA"), Michael Warnecke, ESA Senior Policy Counsel, Gina Woodworth, ESA Senior Director, Federal Government Affairs, and Bill LeBeau, Holland & Knight LLP (collectively, the "ESA Representatives"), met with Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn, and Seth Atkisson and Keia Johnson, who are interning with the Commissioner's office.

The ESA presented an overview of its pending waiver petition, which was filed on March 21, 2012.[1] The Petition requests waivers of the rules governing advanced communications services ("ACS") for three classes of equipment or services, as expressly defined on page 4 of the Petition, that may allow consumers to access and use some ACS, but are designed primarily to enable the playing of or access to video games. The ESA representatives reviewed the ESA's prior participation in the related rule making proceeding, and explained how each of the proposed classes has a primary purpose of

[1] *See* ESA Petition for Waivers of 47 C.F.R. §§ 14.1 *et. seq.*, CG Docket Nos. 10-213 (filed March 21, 2012) (the "Petition"); *Request for Comment, Petition for Class Waiver of Commission's Rules for Access to Advanced Communications Services and Equipment by People with Disabilities,* Public Notice, CG Docket No. 10-213 (May 15, 2012).

playing, enabling or distributing games.[2] The ESA representatives explained their understanding of key aspects of the Commission order released in October 2011 relating to ACS accessibility, including the factors to be examined as part of a multipurpose waiver review, and how the Order's obligations apply to ACS features or functions.[3]

The ESA representatives also addressed a number of other details of its Petition, including the duration of the proposed waivers and scope of the classes for which it is seeking waivers. The ESA representatives provided a general overview of the exhibits to the Petition, *see* Petition at Exhibits A-C, and details of the study set forth in the Petition. *See* Petition at 14-16. The ESA representatives emphasized that even online gameplay involves far more than ACS as well as the benefits of waivers with respect to the offerings within the proposed classes.

Pursuant to Section 1.1206 of the Commission rules, we are electronically filing this letter with your office and are electronically providing a copy of this submission to the meeting attendee. Please let the undersigned know if you have any questions relating to this filing.

Respectfully submitted,

/s/ Bill LeBeau

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Attorneys for the
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cc: Louis Peraertz, Legal Advisor to Commissioner Mignon Clyburn
Seth Atkisson, Intern, Commissioner Clyburn
Keia Johnson, Intern, Commissioner Clyburn
(via electronic mail)

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[2] *See* ESA Comments, CG Docket Nos. 10-213 & 10-145; WT Docket No. 96-168 (filed Apr. 25, 2011); ESA Reply Comments, CG Docket Nos. 10-213 & 10-145, WT Docket No. 96-168 (filed May 23, 2011).

[3] *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*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557 (2011).