

June 5, 2012

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Ex Parte* Notice  
Docket No. 98-120 (Viewability)

Dear Ms. Dortch,

On June 5, 2012, I had separate telephone conversations with Lyle Elder, Attorney-Advisor to Chairman Julius Genachowski; David Grimaldi, Chief of Staff and Media Legal Advisor to Commissioner Mignon Clyburn; Holly Saurer, Media Legal Advisor to Commissioner Jessica Rosenworcel; and Matthew Berry, Chief of Staff to Commissioner Ajit Pai, regarding the proposed extension of the Commission's viewability rules. I expressed concern that revising the current rule could result in an unfair burden and unjust cost to consumers if a new rule required consumers to pay an additional fee for a set-top box that receives analog signals

I stated that if the Commission chooses not to extend the current viewability rule, it must ensure that any change to the rule does not increase costs to consumers. According to the record, 22% of households would be affected if the rules are revised to require the leasing or purchase of a new set-top box. This means that over 12 million analog cable customers are likely to face unfair costs to receive their analog signals.

Yet, if cable companies are not required to carry both the digital and analog signals, they will benefit greatly from the extra capacity. For example, cable operators could use the extra capacity for "more valued use,"<sup>1</sup> such as to offer other paid services. While it is natural for the cable industry to take advantage of the efficiencies created by no longer carrying two signals,<sup>2</sup> consumers should not have to bear the burden of the transition or a policy change. For that reason, I urged the Commission to either extend the current viewability rule or if the Commission chooses to revise the rule, it should require the availability of set-top boxes at no cost to the consumer. Alternatively, the Commission could extend the current rule and create an exemption for those cable operators that meet certain criteria, such as offering a no-cost box. In any of these cases, consumers would not pay an unjust cost for viewing their analog signals.

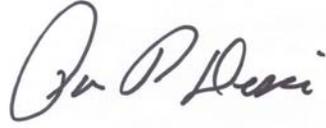
Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. §1.1206(b), this letter is being filed electronically with your office today.

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<sup>1</sup> Comments of Time Warner Cable, Inc. at 23 (March 12, 2012).

<sup>2</sup> The State of New Jersey, Division of Rate Counsel also noted "the overarching benefit to the carriers from enhanced spectrum that arises from digital compression." Reply Comments of New Jersey Division of Rate Counsel at 2 (March 22, 2012).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Parul P. Desai". The signature is fluid and cursive, with the first name "Parul" being the most prominent.

Parul P. Desai  
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