



VIA ECFS

October 25, 2012

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of *ex parte* Presentation, MB Docket No. 12-242

Dear Ms. Dortch:

On October 23, 2012, the undersigned met to discuss the above-captioned proceeding with the following, all of the Media Bureau: William T. Lake, Nancy Murphy, Mary Beth Murphy, Brendan Murray, and Steven Broeckert. Our consultant, Adam Goldberg of AGP, LLC was also in attendance.

During the meeting, we discussed Nagravision's Reply Comments,<sup>1</sup> taking particular note of the fact that the comments filed in opposition to the waiver request were, in fact, not opposing the instant waiver, but rather opposing the waiver until or unless the Commission acts to further define 76.640(b)(4)(iii). We made the point that if the Commission elects to extend time, grant waivers for 76.640(b)(4)(iii), or otherwise amends that section, "headless gateway" devices for which a waiver is granted this docket as a result of Nagravision's request would continue to be bound by the requirements of that section (if that section applies to "headless gateway" devices). Whatever judgment the Commission makes with respect to the separate proceeding, Nagravision's waiver request is for two different sections of the rules.

We also described the contemplated devices more fully, including describing how devices that meet the proposed conditions of the waiver would not have the capability to decode compressed video and audio, and would not have uncompressed outputs (such as HDMI or composite video), and would likely look similar to and be placed nearby to a DOCSIS cable modem. Additionally, I briefly described the marketplace opportunity we believe such a device has (if granted the waiver), and the benefits to both cable operators and consumers if cable operators have the option to deploy headless gateways.

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<sup>1</sup> *In the Matter of Nagra USA's Request for Waiver of Sections 1204(a)(1) and 76.640(b)(4)(ii)(A) of the Commission's Rules*, Reply Comments of Nagravision, MB Docket No. 12-242 (Oct. 1, 2012).

**Marlene H. Dortch**

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In accordance with §1.1206 of the Commission's Rules, one copy of this letter is being filed electronically via ECFS, and delivered via email to the attendees.

Kind regards,

/s/

Robin Wilson  
Vice President, Business Development  
Nagravision USA

Cc: William T. Lake  
Nancy Murphy  
Mary Beth Murphy  
Brendan Murray  
Steven Broeckert  
Adam Goldberg