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August 5, 2013

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Comprehensive Review of Licensing and Operating Rules for Satellite Services*,
IB Docket No. 12-267

On August 2, 2013, I had separate phone conversations with (1) Louis Peraertz of Acting Chairwoman Clyburn's office, (2) Priscilla Delgado Argeris of Commissioner Rosenworcel's office; (3) Matthew Berry of Commissioner Pai's office; and (4) Roderick Porter, Chip Fleming, Cassandra Thomas, and Fern Jarmulnek, all of the International Bureau.

Consistent with NCTA's comments in this proceeding, I expressed support for the Commission's effort to update its rules regarding the Automatic Transmitter Identification System ("ATIS") signal, so long as any new requirements provide a phase-in period based on normal equipment replacement cycles that would permit affected parties to comply in the normal course of their operations.¹

As described in our comments, NCTA program network members distribute the vast majority of their programming via satellite transmissions. They devote substantial resources to ensure the quality and integrity of those signals and protect against interference. Many of these networks have been actively engaged in global industry efforts such as the Digital Video Broadcasting ("DVB") Project, which has been working on the development of a Carrier ID system to provide identifying information for satellite transmissions.²

During the phone conversations, I stated that NCTA would have no objection to the Commission's adoption of the DVB Carrier ID system as part of its ATIS rules, provided that the phase-in period avoids imposing unnecessary costs and disruption. In that regard, I noted that that some already-deployed transmitters include modulators capable of being upgraded via software to be DVB-compliant and, after some reasonable period to account for supplier manufacturing cycles, new equipment that is DVB-compliant will be available in the

¹ See NCTA Comments at 5-6.

² See *Id.* at 1-4.

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marketplace. However, I noted that some legacy equipment *cannot* be upgraded to DVB via software and would require wholesale replacement if the new requirements were to be applied to them. Such a mandate would strand significant investment and impose unnecessary risk of disruption on consumers. Moreover, such a requirement would provide little benefit to offset these potential harms. Cable programmers' uplink facilities are professionally managed and operate from static, well-established locations. They provide little threat of interference and would be easily identifiable in the unlikely event that they did.

In light of the above, I proposed that the Commission permit cable programmers to implement any new requirements in the normal course of their operations. This could be accomplished (1) by applying the new requirements only to prospective equipment purchases after some reasonable phase-in period (*e.g.*, two years), or (2) by grandfathering transmitters in static locations whose modulators cannot be upgraded via software to be DVB-compliant and that are either currently deployed or are purchased within some reasonable period after adoption of the Order (*e.g.*, two years).

Respectfully submitted,

/s/ Rick Chessen

Rick Chessen

cc: Louis Peraertz
Priscilla Delgado Argeris
Matthew Berry
Roderick Porter
Chip Fleming
Cassandra Thomas
Fern Jarmulnek