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August 14, 2008

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

VIA ECFS

**RE: American Cable Association Ex Parte Comments
CS Docket No. 98-120; MB Docket Nos. 07-148, 07-198**

Dear Ms. Dortch:

This ex parte is being filed on behalf of the American Cable Association (“ACA”) in response to a Notice of Ex Parte Communication filed by the National Association of Broadcasters (“NAB”) on August 13, 2008, in the above-referenced dockets. In its filing, NAB expressed concern with the accuracy of digital television (DTV) transition consumer education efforts “should the Commission adopt a **blanket waiver** of its viewability rules.” (emphasis added). NAB also states that because of the DTV transition consumer education efforts, consumers who subscribe to cable, “undoubtedly believe that they will have access to all broadcast signals in digital format after the transition.”

Based on ACA’s numerous meetings at the Commission, we have no reason to believe that the Commission is considering a “blanket waiver of the viewability rules,” as suggested by NAB. Moreover, ACA is not urging the Commission to adopt such an exception to this regulation. Instead, ACA seeks a reasonable exemption from the material degradation rules, and we believe this is the matter now being reviewed by the Commission.

Regardless of what order is being considered by the agency, consumers are certainly not being told that they will receive broadcast signals in digital format if their televisions are hooked up to cable after the DTV transition. As NAB itself notes, consumers are being told that “[every] TV set you have that’s hooked up to cable will still work just fine.” (citations omitted). Based on the plain language of this statement, there is no logical reason for cable customers to be confused, or for either governmental or industry DTV consumer education messaging to be overhauled, so long as consumers will continue receiving a viewable broadcast signal from their cable operator after the transition, which the cable industry accepts as vital to ensuring a successful transition and will do. Consumers will be no more puzzled receiving a broadcast signal in an analog format from their cable operator, than they would be purchasing a digital-to-analog converter box, which are both positioned as viable options for consumers to consider in both government and industry messaging (see http://www.dtvtransition.org/index.php?option=com_content&task=view&id=14&Itemid=27 and

<https://www.dtv2009.gov/AboutProgram.aspx>), and embraced by the NAB itself (see http://dtvanswers.com/dtv_how.html).

Sincerely,



Jeremy M. Kissel