



PUBLIC NOTICE

Federal Communications Commission
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DA 08-1081

Released: June 5, 2008

MEDIA BUREAU ACTION

MPAA FILES PETITION FOR WAIVER OF THE PROHIBITION ON THE USE OF SELECTABLE OUTPUT CONTROLS (47 C.F.R. § 76.1903)

CSR-7947-Z/MB Docket No. 08-82

Comment Date: June 25, 2008

Reply Comment Date: July 7, 2008

The Motion Picture Association of America (“MPAA”), on behalf of member companies Paramount Pictures Corporation, Sony Pictures Entertainment, Inc., Twentieth Century Fox Film Corporation, Universal City Studios LLLP, Walt Disney Studios Motion Pictures and Warner Bros. Entertainment, Inc. (collectively, “Petitioners”), has filed this petition pursuant to Sections 1.3 and 76.7 of the Commission’s rules¹ seeking an expedited permanent waiver of Section 76.1903 of the Commission’s rules.² Specifically, MPAA requests that the Commission waive its prohibition on the use of selectable output control (“SOC”) for set-top boxes in order to facilitate partnerships between Petitioners and multi-channel video programming distributors (“MVPDs”) to provide copy-protected, high definition feature films directly to subscribers prior to the films’ prerecorded media release dates. According to MPAA, the new service will benefit the public by expanding the timeliness and quality of consumers’ in-home viewing choices while aiding the digital transition by providing more incentives to purchase new high definition televisions. MPAA contends that allowing customers to view high-value, recently released films via unprotected outputs would create an unacceptably high risk of unlawful copying and redistribution. Therefore, the proposed service could be offered only if the SOC prohibition is waived. Further, MPAA argues that the Commission recognized the potential benefits of SOC when it adopted the rule and left open the possibility of waivers that would be “advantageous to consumers.” We seek comment on MPAA’s petition.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.³

¹ 47 C.F.R. §§ 1.3, 76.7

² 47 C.F.R. § 76.1903

³ 47 C.F.R. § 1.1206

Comments and oppositions are due June 25, 2008. All filings should refer to the case identifier, CSR-7947-Z, and MB Docket No. 08-82 and must be submitted in MB Docket No. 08-82. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments and oppositions filed must indicate that they have been served on Petitioner. All comments and oppositions must be served on counsel for Petitioner:

Kathleen Q. Abernathy
Robert S. Strauss Building
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Michael P. O'Leary
Motion Picture Association of America, Inc.
1600 Eye Street, N.W.
Washington, DC 20006

Petitioner's reply is due July 7, 2008.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁴

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 08-82. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (April 6, 1998).

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A737, 445 12th Street, S.W., Washington, D.C. 20554 or Brendan.Murray@fcc.gov.

Copies of the Waiver Request and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7092

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to Clyde Ensslin, (202) 418-0506. TTY: (202) 418-7172 or (888) 835-5322.

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