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MCDERMOTT, WILL & EMERY

April 29, 2004

VIA ECFS

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Communication in MB Docket No. 03-15 (Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television.)

Dear Ms. Dortch:

On April 28, 2004, the undersigned and Marc Pearl, Executive Director of the Consumer Electronics Retailers Coalition (the "CERC representatives") met with Rick Chessen, Eloise Gore, Mike Lance, Alison Greenwald, Mary Beth Murphy, all of the Media Bureau, and Amy Nathan of OSP, to provide further information and material, as requested in a March 25 meeting (as to which an *ex parte* filing is already on record), on the subject of the information generally provided to consumers, re HDTV and other television receivers, by CERC members and other retailers. The CERC representatives provided physical examples of marketing, educational, and training material, collected from CERC members Best Buy, Circuit City, Good Guys, and Tweeter. CERC has collected its members' material into 5 groupings:

- Newspaper advertising supplements (also available in-store)
- Buying guides and periodic catalogs
- Point of display informational material
- Internet site information material (CERC members and some others)
- Training material

These documents are being bound and physically transmitted for filing in the above-referenced docket. They were reviewed with the FCC staff during the visit recounted above, and the relevant pages have been scanned and made attachments to this *ex parte* filing. During the presentation of this information, the following points were made:

- The newspaper advertising supplements and the periodic catalogs consistently and prominently distinguish among DTV display products on the following bases:

    - Whether or not an HDTV tuner is "integrated," *i.e.,* "built in"; or instead the product is "HD-ready," *i.e.,* a "monitor".

    - HDTV vs. EDTV vs. "Television" or "Stereo Television"

    - Digital interfaces on product

    - Type of display (CRT, DLP, LCos, Plasma, LCD)

- The buying guides and periodic catalogs, as well as the extensive material on Internet sites, explain all of these terms in detail according to current practice, and review the potential advantages and disadvantages of each option, as well as what other devices may be necessary or desirable to receive services. These include tutorials on HDTV, its advantages, the potential sources of HDTV programming, what additional equipment is required, and pro and con comparisons of the various types of displays. (The Best Buy and Tweeter product guides have several-page tutorials re both HDTV and the various means of acquiring it.)

- The point-of-display material offers the following information to the consumer as he or she examines the for-sale product:

    - Whether the product has an HDTV tuner built in, or instead is a "monitor" that will require some additional means of acquiring HDTV transmissions.

    - What interfaces the product has. (The Circuit City point of display cards include graphic depictions of the rear-panel interfaces.)

    - The type of display and whether the display is "HDTV" or "EDTV." (Good Guys 2-sided cards discuss pros and cons of various display types and other items of interest to consumers; Best Buy provides detail re screen resolution.)

- The information available to consumers from the Internet, including from CERC members, is detailed and voluminous. (A CERC member store manager who assisted in the collection of this material, when advised of the reason, commented: "Most customers [shopping for HDTV receivers] come in with a sheaf of printouts from the Internet.")

- Training material is quite detailed. An example of excerpts from a sales associate training manual has been provided.

The CERC representatives discussed with the staff what other information or approaches, including training, consumer education, specialized web sites, and enhancement of ongoing voluntary efforts, might be useful if implemented by retailers in cooperation with other interested industries, and the extent to which uniformity of terminology might be helpful. The CERC representatives expressed the view that in the present dynamic environment, mandated uniform terminology and/or labeling would be an inferior outcome compared to, and indeed would detract from, the voluntary efforts now under way by consumer electronics manufacturers and retailers. In lieu of a mandated approach, they expressed the willingness of CERC and its members to cooperate proactively with the Commission, and with manufacturers and program distributors, to continue to enhance and augment their promotional, educational, and training efforts. They said CERC members will commit, and offer to work with the Commission and others, to provide the best available information to consumers with respect to the DTV transition and relevant products and services.

This letter is being provided to your office in accordance with Section 1.1206 of the Federal Communications Commission rules. A copy of this letter has been delivered to the parties listed below.

Very truly yours,

Robert S. Schwartz

Robert S. Schwartz
Counsel to CERC

cc: Rick Chessen
Eloise Gore
Alison Greenwald
Mike Lance
Mary Beth Murphy
Amy Nathan