

September 1, 2009
VIA ECFS AND ELECTRONIC MAIL

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

Re: Notice of Written Ex Parte Presentation
In the Matter of Petition for Rulemaking and Request for Declaratory
Ruling Filed by the Coalition United to Terminate the Financial Abuses of
the Television Transition, LLC
MB Docket No. 09-23

Dear Ms. Dortch:

A filing by the ATSC Forum dated May 27, 2009¹, asserts that the country of Argentina has adopted the ATSC digital TV standard², for which patent royalties are at issue in this proceeding.

In spite of numerous press reports indicating to the contrary, the ATSC Forum has further enforced its assertion about Argentina as follows:

“The claims in the May 27, 2009 submittal from Rob Glidden, an Internet blogger, that Argentina has abandoned the ATSC Standard and is poised to adopt the Brazilian version of the Japanese ISDB standard are not correct. Argentina adopted the ATSC Standard in 1998, but the government has changed several times since, and DTV broadcasting has not yet been implemented there. ATSC remains the official DTV broadcast standard for Argentina, and while the government is considering its options anew, no new decision has been announced. The ATSC Forum believes the chances are excellent that Argentina will reaffirm its choice of ATSC for the same compelling reasons that led to its adoption in 1998. Rob Glidden’s statements regarding the state of affairs in other Latin American countries also are incorrect for the reasons stated herein.”³

In light of announcements in recent days that Argentina is indeed moving forward without ATSC⁴ and with the Japanese/Brazilian standard, it is instructive for the Commission to consider the

- 1 Reply Comments of the ATSC Forum, May 27, 2009, In the Matter of: Petition for Rulemaking and Request for Declaratory Ruling Filed By The Coalition United To Terminate Financial Abuses of the Television Transition, MB Docket No. 09-23, available at http://fjallfoss.fcc.gov/prod/ecfs/comsrch_v2.cgi, hereinafter referred to as ATSC Forum Comments.
- 2 “Countries that have adopted the ATSC Standard are: Canada, Mexico, the United States, South Korea, Argentina,3 Honduras and most recently, El Salvador.” ATSC Forum Comments at 2.
- 3 ATSC Forum Comments at 2, n.3.
- 4 See for example, Kevin Gray, Fiona Ortiz, Matthew Lewis, *Argentina adopts Japanese digital TV standard*, August 28, 2009 <http://www.reuters.com/article/rbssConsumerGoodsAndRetailNews/idUSN2835986420090828> “Argentina adopts Brazil’s digital TV standard”, August 28, 2009,

actual reference to Argentina to which the ATSC Forum has taken such strident exception⁵:

“For example, it could be speculated that the Japanese DTV system moved in recent years towards becoming more aggressive through price cutting and trade deals. Countries considering ATSC began to have second thoughts, and in some cases like Argentina (originally mentioned in the 2004 ATSC patent pool plan as already having adopted ATSC⁶) started to back away by 2005⁷.”

While it is entirely understandable that the ATSC Forum, a sister organization to the ATSC Committee, claims an advocacy role for the ATSC standard⁸, and of course the ATSC Forum rightly recognizes that politics is politics the world over⁹, the Commission should consider whether the ATSC Forum's advocacy function overrides its claim that it “educates policymakers ... regarding the benefits of DTV technology”¹⁰, and look to more direct information sources about digital TV.

For as NPR quoted FCC Commissioner Michael Copps on August 25, 2009, three days before the Argentina announcement:

<http://www.buenosairesherald.com/PrintedEdition/View/10421>

5 Reply Comments of Rob Glidden, May 27, 2009 at 14 (footnotes in original)

6 http://www.mpegla.com/news/n_04-12-22_atsc.pdf ("the ATSC digital television standard, which has been adopted thus far in the U.S., Canada, South Korea, Argentina and Mexico"). Mention of Argentina was dropped from subsequent mentions of the ATSC patent holders meetings at when the patent license was announced ("the Advanced Television Systems Committee (ATSC) and used in digital televisions sold in the United States, South Korea, Mexico, Canada and other countries") http://www.mpegla.com/news/n_07-09-20_atsc.pdf

7 According to published news reports, in September 2005 "Argentina decided to reverse its decision to adopt ATSC as the country's terrestrial DTV standard and consider other options" Doug Lung, *Argentina Favoring Brazilian Version of ISDB-T for Terrestrial DTV*, September 12, 2008 <http://www.tvtechnology.com/article/66586>

Recent news reports indicate Argentina now appears close to adopting ISDB. "[L]ast week, the Argentine President, Cristina Fernández de Kirchner, confirmed that the country is about to follow Brazil with ISDB. "We are working to complement and agree on a common digital TV system so that part of the TV sets' production elements can be produced in Argentina", she announced." *Confirmed: Argentina is close to ISDB*, TV TELCO Latam, April 27, 2009, <http://www.tvtelco.com/nota.aspx?idcontenido=846&idioma=2>

Peru Has recently chosen ISDB. See *Peru chooses Japanese-Brazilian standard for digital television system*, April 23, 2009, <http://www.andina.com.pe/Ingles/Noticia.aspx?id=h0quUr98/uM=>

Peru chose ISDB in part because of cost. "Jorge Cuba, the vice minister of communications explained that the Japanese-Brazilian standard had been chosen, among other reasons, for its low cost." Israel Ruiz, *Digital TV decoders to be sold in Peru for \$28 in six months*, Living in Peru 24 April, 2009, <http://www.livinginperu.com/news/8880>

8 “The ATSC Forum educates policymakers, broadcasters, equipment manufacturers, and other interested parties regarding the benefits of DTV technology and advocates adoption of the ATSC family of DTV standards. The ATSC Forum is a sister organization of the Advanced Television Systems Committee, an international cross-industry organization that develops and refines standards and best practices for DTV broadcasting.” ATSC Forum Comments at 2.

9 See for example, “New digital tv technology is a 'major defeat,' Solanas”, September 1, 2009 , <http://www.buenosairesherald.com/BreakingNews/View/10724>

Argentina is seen by some as pivotal in digital TV adoption trends at least partly because it is the second largest economy of South America (http://en.wikipedia.org/wiki/Economy_of_South_America#GDP_ranks_as_of_2008), and as the largest country outside a close US geographic or political orbit cited as ATSC-supportive could be seen as a bellwether of global interest in the ATSC standard.

10 Id.

"[W]e've got the digital TV. Now what are we going to do with it?"¹¹

In many parts of the world today, this is a question that hardly needs to be asked, for digital TV is an exciting, vibrant opportunity that inspires high interest and consideration that is striving to cut through the early roadblocks, challenges, and limitations represented by the patent and royalty issues of this proceeding. The Commission should be able to look to responsible organizations like the ATSC Forum to do more to fulfill such an education function.

Sincerely,

_____/s/_____
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cc: Sherrese Smith
Rick Chessen
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¹¹ Joel Rose, "Promises Unkept: Disappointments In Digital TV", August 25, 2009, <http://www.npr.org/templates/story/story.php?storyId=112039215>