



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 09-439

Released: February 25, 2009

MEDIA BUREAU ACTION

PETITION FOR RULEMAKING AND REQUEST FOR DECLARATORY RULING FILED BY THE COALITION UNITED TO TERMINATE FINANCIAL ABUSES OF THE TELEVISION TRANSITION, LLC

MB Docket No. 09-23

Comment Date: April 27, 2009

Reply Comment Date: May 27, 2009

The Coalition United to Terminate Financial Abuses of the Television Transition, LLC (“CUT FATT” or “petitioner”), has filed a petition for rulemaking pursuant to Section 1.401 of the Commission’s rules¹ and a request for declaratory ruling pursuant to Section 154(i) of the Communications Act of 1934, as amended (the “Act”).² In the petition for rulemaking, CUT FATT seeks a modification of the Commission’s rules and policies regarding digital television patent licensing. In the request for declaratory ruling, CUT FATT requests that the Commission declare that it will treat violations of the patent licensing requirements in the same way that it treats other violations related to the digital television transition. We seek comment on CUT FATT’s petition for rulemaking and request for declaratory ruling.

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

Comments and oppositions are due April 27, 2009. All filings should refer to MB Docket No. 09-23 and must be submitted in MB Docket No. 09-23. 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:

John K. Hane
Pillsbury Winthrop Shaw Pittman LLP

¹ 47 C.F.R. § 1.401

² 47 U.S.C. § 154(i).

³ 47 C.F.R. § 1.1206

2300 N Street, NW
Washington, DC 20037

Reply comments are due May 27, 2009.

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. 09-23. 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.

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) 418-0270

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).

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).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to David Fiske, (202) 418-0513.

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