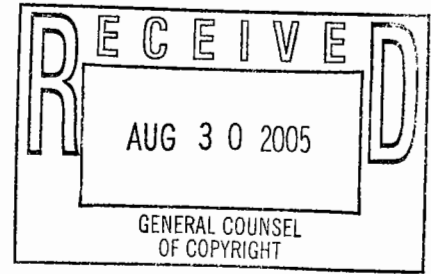


Before the
Copyright Office, Library of Congress
Washington, D.C. 20554



In the Matter of)
)
Satellite Home Viewer Extension and)
Reauthorization Act of 2004)
)
Notice of Inquiry)
)
To: The Copyright Office

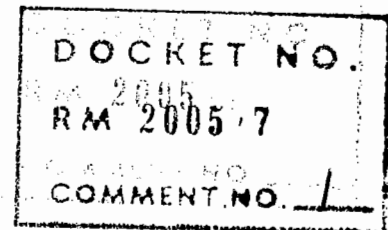
RM Docket No. 2005-7

COMMENTS OF DECISIONMARK CORP.

Jack Perry
President and Chief Executive Officer

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August 23, 2005



**Before the
Copyright Office, Library of Congress
Washington, D.C. 20554**

In the Matter of)	
)	
Satellite Home Viewer Extension and Reauthorization Act of 2004)	RM Docket No. 2005-7
)	
Notice of Inquiry)	
To: The Copyright Office		

COMMENTS OF DECISIONMARK CORP.

Decisionmark is providing comments to the Copyright Office of the Library of Congress in response to the Notice of Inquiry on the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA). Decisionmark is a technology and data company, and as such feels qualified to comment only on limited portions of the Notice.

Specifically, based upon Decisionmark's business experience, we feel uniquely qualified to comment on the following question from Part One of the Notice:

Has the Grade B predictive model developed by the FCC under section 339(c)(3) of the Communications Act, title 37 of the United States Code, permitted effective identification of white areas and promoted the quick and efficient determination

of whether subscribers are eligible for receipt of distant network stations under section 119?

Decisionmark has been involved with the Satellite Home Viewer Act (SHVA), and subsequent extensions, through implementation of technology solutions for both the satellite and broadcast industries beginning in 1997.

- In 1997, Decisionmark provided customized desktop software programs to broadcast stations allowing them to view and analyze satellite subscriber locations. Decisionmark continues to provide this service to broadcasters with an on-line application known as ChallengeTV.
- In 1998, Decisionmark developed what was known as the Red-Light, Green-Light database used in settlement between the broadcasters and certain C-Band satellite providers
- In 1998, Decisionmark connected broadcasters and consumers by unveiling a public web site, www.getawaiver.com, which determined, under SHVA rules, the stations an individual consumer might need to request a waiver from in order to receive distant network services. With this public website Decisionmark also provided an on-line application, known as WaiverTV, for broadcasters to receive and review the requests electronically.
- In 1998, Decisionmark was selected by both parties in the PrimeTime 24 lawsuit to process subscriber lists determining the eligibility of retaining distant network services for each of the current subscribers.

- In 1998, Decisionmark implemented the first real-time, point-of-sale eligibility screening solution for the distributors of PrimeTime 24 distant network service.
- In 1999, Pegasus (a DirecTV distributor at the time) and Echostar implemented Decisionmark's point-of-sale solution. DirecTV followed suit in 2000.
- In 2000, all satellite providers began providing waiver requests to the broadcasters in accordance with the provisions of the Satellite Home Viewer Improvement Act of 1999 (SHVIA). Decisionmark provided the electronic solution to process each request, determining which individual broadcaster needed to review the request under provisions of SHVIA. All broadcasters were provided access to the WaiverTV application in order to review and act upon each waiver request.

This list of milestones is meant to demonstrate Decisionmark's effectiveness in establishing real-time connectivity between an individual consumer and the over-the-air broadcaster at the point-of-sale, and illustrates Decisionmark's ability to design, develop and implement technology solutions that can quickly and efficiently identify white area locations and determine distant network eligibility. Underlying all of these accomplishments is Decisionmark's commitment to gather and maintain a comprehensive database of broadcaster specific data necessary to accurately analyze an individual's situation as it pertains to SHVA.

Decisionmark's point-of-sale solution allows a subscriber's eligibility for service to be determined in less than one second. Depending on how it is implemented, Decisionmark's system for processing waiver requests can provide the broadcaster's

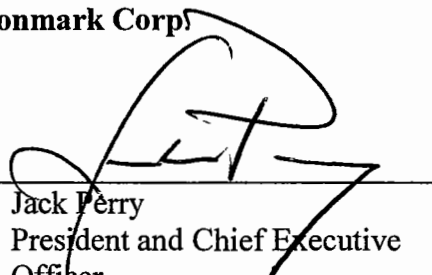
response the same day the request is made. Decisionmark has processed over 50 million waiver requests since January 2000, delivering them to the broadcasters, and Decisionmark's technology has been involved in countless millions of eligibility determinations at the point-of-sale by all satellite providers since 1998.

While we take no position on the use of Grade B as a standard, or the methodology used to determine white area, Decisionmark's technology has proven that establishing connectivity at the point-of-sale is the key to successful implementation of the Grade B standard or any predictive model. Decisionmark, the satellite providers and the broadcasters have the technology in place to effectively operate under the current provisions of SHVERA, or any subsequent modifications to the law.

Respectfully submitted,

Decisionmark Corp.

By



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Officer

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