



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 3, 2005

The Honorable William H. Frist
United States Senate
509 Hart Senate Office Building
Washington, D.C. 20510-4204

The Honorable Lamar Alexander
United States Senate
302 Hart Senate Office Building
Washington, D.C. 20510-4204

Dear Senators Frist and Alexander:

Thank you for your letter dated September 6, 2005. I share your interest in promoting the deployment of digital broadcast technologies that are secure and whose content is adequately protected.

As you note, the United States Court of Appeals for the District of Columbia Circuit recently vacated our "broadcast flag" rules. The Commission promulgated these rules to help ensure that consumers would have access to popular digital television programming in a secure format. The Commission also issued a similar inquiry into whether we should promulgate rules that would provide for the secure distribution of music over digital broadcast radio.

Because of the court's ruling, however, digital broadcast television programming remains unprotected from redistribution via the Internet and other means. Similarly, music that is transmitted over digital broadcast radio remains unprotected, as well.

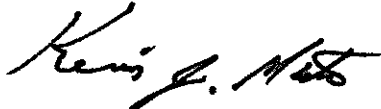
You asked whether Congress should consider the scope of the Commission's authority to implement content protection rules for digital broadcast radio together with the scope of the Commission's authority to do the same for digital broadcast television. I agree that these issues are closely related and involve similar policy considerations: digital content is vulnerable to unauthorized redistribution over the Internet when it is released over any unprotected digital broadcast platform. The increasing use of digital technologies by both radio and television broadcasters raises almost exactly the same content security concerns. Thus, while I respect that ultimately Congress will decide precisely when and how to legislate in this area, to the extent that Congress provides the FCC with authority

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to address content protection over one digital broadcast platform, it would be helpful for the Commission to have similar authority over the other digital broadcast medium, as well.

I look forward to working with you on this and other matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Martin". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

Kevin J. Martin