



December 9, 2010

VIA ELECTRONIC FILING

Ms Marlene H. Dortch  
Secretary  
Federal Trade Commission  
445 12<sup>th</sup> Avenue SW  
Washington, DC 20554

Re: Ex Parte Filing  
MB 10-56 and MB 09-51

Dear Ms. Dortch:

This letter is to provide notice of an *ex parte* meeting in the above reference matters. On December 8, 2010, at 11:30am, Todd Weaver, CEO of ivi, Inc., Ron Erickson, Chairman of ivi, Inc., Dean Nielsen of Cerillion N4 Partners LLC, Hal Bringman and Elias Tatarinoff of NVPR, all consultants with ivi, Inc. met with Jennifer Flynn, Legal Advisor in the Office of Chairman Julius Genachowski.

During the meeting ivi, Inc. management provided an overview of ivi's innovative technology which provides live streaming television over the Internet. As a consequence of ivi's business activities they related ivi's experience with the inhibitors to competitive access to content resulting from Comcast's existing contracts and market position. They expressed their concern that the proposed Comcast/NBCU merger could further limit access to content limiting consumer choice and increasing consumer cost. They explained that ivi's service provided a low cost option for those consumers eager to "cut the cord" of Comcast and other cable providers and obtain an *ala carte* offering of content at reasonable cost. They further expressed their strongly held belief in support net neutrality. They contended that the proposed merger could have a limiting effect on net neutrality.

There was a discussion regarding several of the compelling issues the ivi live streaming technology solves for American consumers. There are many citizens with Internet access who do not have similar access to cable television. With ivi they are able to obtain live television viewing of news and sports over the Internet. There is another group of citizens who have been impacted by the transition to DTV television. With ivi, inexpensive live television is available to those Americans.

ivi, inc. 500 Union Street, Suite 406, Seattle, WA 98101

There was a broader conceptual discussion of the history of television broadcast and distribution technologies and the current state of the rules governing distribution. ivi management explained that the rules in place lag the march of new technology. The rules for content distribution need to be the same for all means of distribution with competitive access to content without regard to type of distribution. Fortright efforts should be made to ensure that American technological genius is not blocked by antiquated rules which protect legacy providers and diminish choice and increase cost for American consumers. Many of these issues are set forth in greater detail in the overview document “Gordian Knot of Broadcast Distribution” by ivi CEO, Todd Weaver which is attached to this letter and incorporated herein by this reference.

There was a discussion regarding Net Neutrality. ivi is a strong supporter of Net Neutrality. ivi CEO Todd Weaver said, “If people are forced to pay per kilobit it’s like they are forced to pay per word of a book.” To compete in the global marketplace, American consumers need access to rapid, easy and inexpensive access to information. Any inhibitor to that goal is not only harmful to consumers but has national security implications.

ivi’s representatives asked that the FCC, in reviewing the Comcast/NBCU merger and net neutrality:

- treat all forms of content distribution (cable/satellite/fiber/Internet and any other) equally,
- provide an environment where competition can thrive free from contractual inhibitors,
- provide an environment where consumers can have low-cost choices
- bolster and reinforce an environment where innovation can thrive
- require that language in prospective Comcast distribution agreements for newly acquired content include no language granting exclusive content distribution rights to Comcast

In sum, ivi wants a level playing field so that it can compete with other means of distribution and provide a full array of choice to the American consumers. The FCC, in reviewing the Comcast/NBCU merger and Net Neutrality, should not throw a life line to the Comcast, who with its legacy infrastructure and business model looks much like the land line telephone business.

Pursuant to the Commission’s Rules this *ex parte* notice is being filed electronically through the Commission’s Electronic Comment Rules System procedure. Please do not hesitate to contact me at [Todd@ivi.tv](mailto:Todd@ivi.tv) or at 206-240-5820 should you have any questions regarding this filing.

Sincerely,

Todd Weaver

ivi, inc. 500 Union Street, Suite 406, Seattle, WA 98101

Chief Executive Officer

Attachment