

March 19, 2003

Alan Bell, Senior Vice President, Technical Operations
Warner Brothers
Co-Chairman, Copy Protection Technical Working Group
4000 Warner Blvd.
Burbank, CA 91522

William Connolly, Consultant
Sony Corporation of America
Co-Chairman, Copy Protection Technical Working Group
550 Madison Ave.
New York, NY 10022

Paul Wehrenberg, Manager of Advanced Mass Storage and Optical Standards
Apple Computer Inc.
Co-Chairman, Copy Protection Technical Working Group
1 Infinite Loop
Cupertino, CA 95014

RE: Analog Reconversion Discussion Group

Dear Messrs. Bell, Connelly and Wehrenberg:

The undersigned write to express our concern regarding the barring of journalists from the otherwise public meetings of one of the Copy Protection Technical Working Group's (CPTWG) recently-created subgroups, the Analog Reconversion Discussion Group (ARDG).

The ARDG was chartered in January 2003 in order to consider possible technical solutions to address the difficulties encountered by content protection technologies in devices with analog outputs (the so-called "analog hole"). Although the ARDG's mandate is a technical one, its deliberations have a public policy dimension, as its technical recommendations may become the basis for policy-making by federal regulators. In fact, the recommendations that emerged from a similar CPTWG subgroup, the Broadcast Protection Discussion Group (BPDG), became the basis for the proposed "broadcast flag" technology mandate currently being considered by the FCC.

It is our view that the press plays a valuable role in educating members of the public about the issues being discussed at the ARDG. There is no shortage of journalists interested in bringing the story to those who are not able to attend the ARDG meetings. Reporters from publications as diverse as *The National Journal*, *Bloomberg News*,

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Variety and *The Los Angeles Times* have all expressed interest in covering its deliberations. Unfortunately, Drew Clark, reporter for the *National Journal's Tech Daily*, was ejected from the ARDG's inaugural meeting due to CPTWG's policy of excluding the press. We believe this policy unnecessarily limits the information available to interested members of the public, including consumers and innovators who are not able to attend the ARDG's Los Angeles and Washington, DC meetings.

We understand that CPTWG has long excluded the press from its public meetings. We believe that the ARDG, however, should be treated as an exception to this general policy in light of its important role in developing the technical proposals that may become the basis for federal policy-making in the future. As none of the information presented at ARDG meetings is confidential, nor are any other interested parties excluded, it is our view that any burden imposed by admitting journalists is far outweighed by the benefits that would flow from the increase in transparency and public awareness.

We look forward to your response prior to the next meeting of the ARDG on April 10 in Los Angeles.

Yours sincerely,

The Electronic Frontier Foundation

Consumers Union

DigitalConsumer.org

Public Knowledge

cc: Commissioners of the Federal Communications Commission
Members of the Senate Committee on the Judiciary
Members of the House Committee on the Judiciary
Members of the Senate Committee on Commerce, Science & Transportation
Members of the House Committee on Energy and Commerce