



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

SEP 13 2006

Ms. Marybeth Peters  
Register of Copyrights  
Library of Congress  
James Madison Memorial Building  
Washington, DC 20540-3120

Dear Ms. Peters:

The National Telecommunications and Information Administration ("NTIA"), an agency of the U.S. Department of Commerce, serves as the President's principal adviser on telecommunications policies pertaining to the Nation's economic and technological advancement. This letter concludes the consultative process that I have undertaken with you pursuant to section 1201(a)(1) of the Copyright Act.<sup>1</sup> This section provides that the Librarian of Congress may exempt certain classes of works from the prohibition against circumventing a technological measure that controls access to a copyright work based on a recommendation from the Register of Copyrights. The Register's recommendation, made in consultation with the Assistant Secretary for Communications and Information, is developed through a rulemaking proceeding.

This letter memorializes my verbal consultation with you, in which I shared my concern that the record before the Copyright Office appeared to be incomplete on the issues around the possible exemption for circumventing locking software that controls access to operating systems of mobile cellular telephones. I am pleased that you have sought additional information to supplement the record before making your recommendation.

I wish to thank you and your staff for fostering a collegial working relationship during our various meetings and telephone conferences. Your commitment to finding the appropriate balance that values the legitimate concerns of both users and creators of content is commendable.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. R. Kneuer", written over a horizontal line.

John M. R. Kneuer  
Acting Assistant Secretary for  
Communications and Information

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<sup>1</sup> Previous consultations include the following correspondence: Letter of Gregory L. Rohde, Assistant Secretary for Communications and Information, to Marybeth Peters, Register of Copyrights, dated September 29, 2000; and Letter of Nancy J. Victory, Assistant Secretary for Communications and Information, to Marybeth Peters, Register of Copyrights, dated August 11, 2003.