



# PUBLIC NOTICE

Federal Communications Commission  
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## MEDIA BUREAU ACTION

### MEDIA BUREAU SEEKS COMMENT ON SAMSUNG'S PETITION FOR WAIVER OF CERTAIN "CABLE READY" REQUIREMENTS

MB Docket No. 13-165

**Comment Date: July 11, 2013**

**Reply Comment Date: July 22, 2013**

Samsung Electronics America ("Samsung") has filed a petition<sup>1</sup> requesting that the Commission waive Section 15.118(b) of the Commission's rules so Samsung can sell a new cable-compatible and Internet-enabled set-top box (the "Smart Media Player") without an analog tuner.<sup>2</sup> Section 15.118(b) requires cable-ready consumer electronics equipment to be capable of receiving analog NTSC<sup>3</sup> transmission of cable channels 1 through 125. The Samsung Smart Media Player, which is intended for retail purchase and use by digital cable subscribers, is a CableCARD-enabled device with Internet connectivity that can access certain pre-loaded applications, over-the-top video sources, and a free, proprietary electronic program guide.<sup>4</sup>

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<sup>1</sup> Samsung Petition at 1 (filed May 21, 2013).

<sup>2</sup> See 47 C.F.R. § 15.118(b). In its petition, Samsung, "out of an abundance of caution," also seeks waiver of (1) Section 15.123(b)(1), which requires all unidirectional digital cable products to be capable of tuning NTSC channels transmitted in the clear; (2) Section 15.123(c), which outlines tests and standards that unidirectional digital cable products must satisfy before going to market; and (3) Section 15.123(d), which requires manufacturers and importers of unidirectional digital cable products to inform consumers that the device is "capable of receiving analog basic . . . cable television programming." Samsung Petition at 1, n.1. As Samsung points out, the Bureau has previously acknowledged that the D.C. Circuit recently vacated Section 15.123; therefore, as we did in the context of another recent waiver request of Section 15.123, we consider that portion of Samsung's request moot, and seek comment only on Samsung's request for waiver of Section 15.118(b) of the Commission's rules. See *Media Bureau Seeks Comment on TiVo Inc.'s Petition for Waiver of Certain "Cable Ready" Requirements*, Public Notice, 28 FCC Rcd 2857, 2854, n.4 (MB 2013) (citing *EchoStar Satellite, L.L.C. v. FCC*, 704 F.3d 992 (D.C. Cir 2013)).

<sup>3</sup> NTSC, the National Television System Committee broadcasting standard, is the analog television system used by analog cable systems.

<sup>4</sup> Samsung Petition at 4.

Section 15.118(b) of the Commission's rules ensures that devices marketed as "cable ready" for sale at retail are able to tune the overwhelming majority of cable channels transmitted in analog.<sup>5</sup> Samsung states that the Smart Media Player is designed for use only in connection with digital cable service, and thus claims that requiring the Smart Media Player to include an analog tuner would only serve to hinder competition and innovation, increase costs to customers and undercut energy conservation efforts.<sup>6</sup> Samsung states that it "has determined . . . that it cannot offer the device at a market-appropriate price point if it were forced to include one or more analog tuners with no appreciable enhancement of the product's attractiveness to consumers."<sup>7</sup> If granted the requested waiver, Samsung commits to educate consumers about the functions of its Smart Media Player to ensure that consumers are not confused about the box's capabilities.<sup>8</sup> We seek comment on Samsung's request for waiver of Section 15.118(b) with respect to its Smart Media Player.<sup>9</sup>

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See 47 C.F.R. § 1.1200, 1.1206. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>10</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries

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<sup>5</sup> "Cable ready" devices must be able to tune to all analog channels below channel 125. See *Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 Compatibility between Cable Systems and Consumer Electronics Equipment*, 9 FCC Rcd 1981-1984, 1996-1997, ¶¶ 1-16, 85-90 (1994). See also 47 U.S.C. § 544a.

<sup>6</sup> Samsung Petition at 8-11.

<sup>7</sup> *Id.* at 9.

<sup>8</sup> *Id.* at 5-6.

<sup>9</sup> A copy of Samsung's Petition may be obtained from MB Docket No. 13-165 in the Commission's Electronic Comment Filing System (ECFS).

<sup>10</sup> 47 C.F.R. § 1.1206.

must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
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Documents in **MB Docket No. 13-165** are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St., S.W., Room CYA257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., telephone (202) 488-5300, facsimile (202) 488-5563, or via email at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). For further information, contact Adam Copeland, (202) 418-1037. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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