

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Implementation of Section 304 of the Telecommunications Act of 1996:  
Commercial Availability of Navigation Devices, CS Docket No. 97-80,  
Compatibility Between Cable Systems and Consumer Electronics Equipment, PP  
Docket No. 00-67.*

When Congress acted in 1996 to encourage the commercial availability of new video programming navigation devices, most people still had VCRs in their homes, the first High-Definition TV was premiered by Zenith, and Mark Zuckerberg, the founder of Facebook, was 12-years-old. Much has changed since then and technology has gone through multiple revolutions. But other things have stayed relatively the same and, remarkably, we have not yet seen the kind of competition and innovation in the world of set-top boxes and other navigation devices that both Congress and the Commission have tried to encourage. So I'm hoping that the actions we take today will bear more fruit, because we are stuck here in a rut. As my old boss, Senator Fritz Hollings, used to say: "The ox is in the ditch," and I hope this Report and Order will help pull the poor ox out and get him moving again.

In short order, I believe, we will take up the issue of the gateway device more directly, the so-called All-Vid, which will bridge the technologies and allow the broadband world and the TV world to interact as they can and should. This would give broadband adoption a big boost, too, because many more people have a TV in their home than have a computer. So with a gateway device, access to the broadband world can be more readily available.

I would just caution my colleagues on how much work and pushing from this Commission will be required to reach the happy world of gateway device availability. As someone who has lived through this issue for many years, and who watched the tortoise-like and tortured pace of discussions about unidirectionality and bidirectionality---I felt the pain, believe me. We can't do that again, but the sad saga of the CableCARD illustrates the pitfalls that await us at every corner.

To some, the order that we approve today may be seen as the CableCARD fix. It isn't, but it does move the ball forward. I am pleased see and support the common-sense, consumer-minded changes that it takes. One example is allowing consumer self-installation of these devices. That would make sense any time, but in hard times when dollars are scarce, consumers don't need yet another expensive house -call when, very often, they can do the job themselves.

Another issue dealt with in the Order is switched digital. Access to switched digital channels should not be a privilege, but rather a certainty, for those paying for a cable package, regardless of whether they are using a leased box or a retail device. There are makeshift solutions out there by way of tuning adapters. More promising, some companies are experimenting with innovative approaches like using the IP backchannel. While we do not mandate the IP backchannel here as some of us had hoped, we do leave

this option available and will revisit a potential mandate if we find non-compliance in the marketplace.

I commend the action that we take today that will establish a venue for consumers to articulate just that type of non-compliance, should it arise. The launch of a consumer complaint webpage by this Order will deal specifically with these issues and will allow for a means to file complaints and to receive necessary information.

I had hoped we could do even more to provide a line-item on consumer bills for the cost of CableCARDS. We couldn't get that far, but we do at least provide for MVPDs to put this information on their website and make it available on the rate card. Some say a line-item on the bill would only confuse consumers in an already-confusing billing environment, and I understand that. But I always believe that you do not confuse consumers by informing them of what they are being charged. It is, after all, their money. Plus, I think having this kind of information clear to everyone might just speed up the process of getting us to a new world of gateway devices.

In sum, I am happy that we take the steps that we are taking today, I thank the Media Bureau for their hard work on this item and thank you to Marilyn Sonn, who is on detail in the Chairman's office, for taking the bull by the horns in moving this Order to the finish line with all the myriad of technical complexity. I appreciate the leadership of the Chairman on this important issue and also the toil of my colleagues and their hard-working staffs.