



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 19, 2016

The Honorable Judy Chu  
U.S. House of Representatives  
2423 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Chu:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

The issue before the Commission is how to satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, and I assure you that is a paramount concern as we consider how to meet the statutory obligation.

At the February 18<sup>th</sup> Commission meeting, we adopted a NPRM to fulfill the statutory requirement of competitive choice for consumers. Like all NPRMs, this action opens a fact-finding dialog to build a record upon which to base any final decision. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

The new proposed rules would create a framework for providing device manufacturers, software developers and others the information they need to introduce innovative new technologies, while at the same time maintaining strong security, copyright and consumer protections. Nothing in this proposal changes a company's ability to package and price its programming to its subscribers, or requires consumers to purchase new boxes.

The Commission's proposal ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protection system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as whether a subscriber is entitled to

access content (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent, minority-focused, and religious programming, is sufficiently secure to prevent theft and misuse.

With respect to your concerns about malware and cybersecurity, the NPRM ask commenters to address other aspects of security related to this proceeding and we welcome comment on this topic.

I also share your goal of ensuring this proposal does not adversely affect independent, minority-focused, and religious programming networks. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent, minority-focused, and religious programming. With regard to your concerns on channel-placement, the proposal notes that there is no evidence of change in channel-positioning under the current CableCARD regime, even though nothing in our rules prevents third-party device manufacturers, such as TiVo, from making such changes today. However, to ensure we build a complete record, the NPRM invites comment on this issue. Our goal is to maintain the opportunity for those content providers currently carried by Pay-TV providers, and create new opportunities for those independent programmers that cannot reach Pay-TV consumers because they have been locked out of the system.

You express concerns that rules intended to achieve Section 629's mandate could diminish the viewing experience and the economic underpinnings that support investment in innovative content. The Commission's proposal preserves copyright protections and the NPRM seeks comment on whether and how we should take further actions to address the concerns you raise. For instance, the item asks numerous questions about how to protect the rights and negotiated agreements of content owners. The item also specifically states that "our regulations must ensure that Navigation Devices...cannot technically disrupt, impede or impair the delivery of services to an MVPD subscriber." In this vein, the items asks a number of questions related to advertising and copyright concerns raised by content owners.

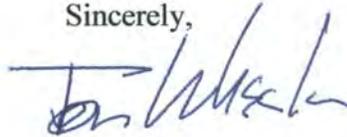
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Additionally, the NPRM notes that today, competitive navigation devices such as TiVo must comply with a host of state and federal privacy protections that include various remedies for consumers. All of these protections and remedies would continue to apply under the proposal in the NPRM.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and options for content providers. As we develop a record and explore fulfilling the statutory mandate, I look forward to continuing to work with you on this important consumer issue.

Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

April 19, 2016

The Honorable Doug Collins  
U.S. House of Representatives  
1504 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

The issue before the Commission is how to satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, and I assure you that is a paramount concern as we consider how to meet the statutory obligation.

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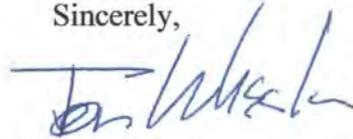
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I believe the Commission's proposal will lead to innovation that will improve consumer choice and options for content providers. As we develop a record and explore fulfilling the statutory mandate, I look forward to continuing to work with you on this important consumer issue.

Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

April 19, 2016

The Honorable Adam B. Schiff  
U.S. House of Representatives  
2411 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Schiff:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

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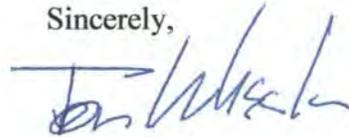
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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 19, 2016

The Honorable Lamar Smith  
U.S. House of Representatives  
2409 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

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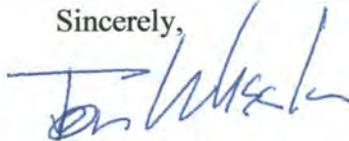
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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 19, 2016

The Honorable Mimi Walters  
U.S. House of Representatives  
236 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Walters:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

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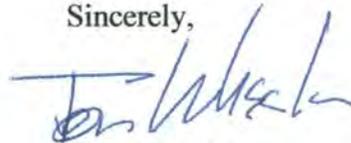
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