

United States Senate

WASHINGTON, DC 20510

May 23, 2016

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The Honorable Thomas E. Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Wheeler:

We write to request that the Federal Communications Commission (FCC) give serious consideration to the energy implications of its Notice of Proposed Rulemaking with respect to set-top boxes offered by multichannel video programming distributors (MVPDs). Energy efficiency and the corresponding consumer and energy usage savings are important national priorities that require the commitment of all parts of the federal government.

The set-top boxes currently leased by all of the largest MVPDs are subject to a Voluntary Agreement reached with all of the major cable companies, equipment manufacturers and environmental groups, like the Natural Resources Defense Council. The U.S. Department of Energy projected that this agreement would improve set-top box efficiency by as much as 45 percent and save American consumers more than \$1 billion annually in electricity costs by 2017.¹

We are writing to inquire as to how the FCC's set-top box proposed rulemaking interacts with this important and productive Voluntary Agreement. Energy efficiency has been a subject of bipartisan collaboration and legislative success, and we want to ensure that the industry's progress in addressing efficiency can continue.

Technology options that allow consumers to completely eliminate a required set-top box in their homes are of course the best approach with respect to energy efficiency. Consumers should be able to continue to expand the way they watch programming to include tablets, smartphones, computers, smart TVs or other devices. However, we are concerned that this rule would require MVPDs to support third-party apps and devices via an additional converter device. While the current set-top box model already presents significant energy savings, it would be troubling if the result of the new rule were to double the number of energy-consuming set-top boxes.

We have specific questions about the rule-making and would appreciate your response:

- Has the FCC considered whether their proposed rule is consistent with ongoing efforts to minimize consumer electronics energy consumption? How does this rule interact with the existing Voluntary Agreement covering current consumer premises equipment?

¹ U.S. Department of Energy, Pay-Television Industry and Energy Efficiency Groups Announce Set-Top Box Energy Conservation Agreement; Will Cut Energy Use for 90 Million U.S. Households, Save Consumers Billions (Dec. 23, 2013), <http://energy.gov/articles/us-energy-department-pay-television-industry-and-energy-efficiency-groups-announce-set-top>.

- Presumably, one benefit of a more competitive marketplace would be a reduction in the amount of necessary consumer equipment and related energy usage. Could the FCC's proposal result in cable providers deploying additional consumer premises equipment? Would MVPDs and content creators be able to deploy apps that provide access to their services via tablets and other devices without necessitating deployment of new equipment?
- Could the proposed rules allow consumers to keep using the apps and other MVPD content they currently pay to access?

We need a robust, competitive video marketplace that will provide the best opportunities for improved energy efficiency and reduced energy costs that work in the best interests of consumers.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, reading "Jeanne Shaheen".

Jeanne Shaheen
United States Senator

A handwritten signature in blue ink, reading "Rob Portman".

Rob Portman
United States Senator