

22 January 2018

**Ex Parte**

Marlene H. Dortch  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

*Re: In the Matter of Inquiry Concerning Deployment of Advanced Telecommunications  
Capability to All Americans in a Reasonable and Timely Fashion, GN Docket No. 17-199*

Dear Ms. Dortch:

On 19 January 2018, Michael Warnecke of the Entertainment Software Association (ESA) and I met with Jay Schwarz, Wireline Advisor to Chairman Pai, to discuss this proceeding.

We explained that the video game industry has become an important component of the American economy, employing over 200,000 people across the country and generating 36 billion dollars in revenue in 2017. We also explained that the industry, and the 125,000,000 Americans who play video games, rely on high-speed broadband connections to originate and receive high-quality voice, data, and graphics.

Turning to this proceeding, we said that having seen the recently released fact sheet,<sup>1</sup> ESA supported the Chairman's intention to leave in place the current fixed speed benchmark of 25/3 Mbps for Advanced Telecommunications Capability (ATC). We did note, however, that this benchmark would need to be raised over time. We also said that ESA supported the view, set forth in the fact sheet, that mobile is not yet a full substitute for fixed services. While mobile broadband is evolving rapidly, it does not yet provide the fast, reliable, and low-latency connections required to support ATC applications, such as multiplayer games and cloud game play services.

Finally, we urged the Commission to clearly state in its report that low latency is an important element of ATC and that going forward it would explore the appropriate ATC benchmark for latency. We also explained ESA's view that the Commission should eventually set a latency benchmark of 75 milliseconds or less, since such latency is necessary for real-time interactive online applications, such as video games. We noted that latency of 75 ms, or even less, is the target for some of today's most popular online games, and that even lower latency was needed for some cloud and virtual reality applications. We also urged the Commission explicitly to reject the suggestion that latency is not an important consideration, as it has done in the context

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<sup>1</sup> Fact Sheet, Draft 2018 Broadband Deployment Report (Jan. 18, 2018), available at [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0118/DOC-348770A2.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0118/DOC-348770A2.pdf).

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of the upcoming Connect America Fund (CAF) auction and the allocation of universal service funds.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a cursive, slightly stylized font.

Scott Blake Harris

*Counsel to Entertainment Software Association*

cc: Jay Schwarz