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June 8, 2020

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: Update and Request to Suspend Consideration of Petition for
Waiver of Pluto Inc.; MB Docket No. 11-154**

Dear Ms. Dortch:

Pluto Inc. (“Pluto TV” or the “Company”) files this letter to update the record concerning, and seek suspension of consideration of, the Petition for Waiver (“Petition”) that Pluto TV filed in the above-captioned docket on May 15, 2019.¹

Withdrawal of Request for Waiver re: Pluto TV on PlayStation 3, Xbox 360, and Samsung Orsay. As reported in an *ex parte* notice concurrently filed with this letter, Pluto TV has sunset its application on the three platforms for which it concluded there was not a path to full IP captioning compliance: PlayStation 3 (sunset on May 12, 2020), Samsung Orsay (sunset on May 11, 2020), and Xbox 360 (sunset on May 13, 2020).² Pluto accordingly withdraws its request for waiver of the Commission’s IP captioning rules with respect to the Pluto TV service on these three platforms.

Pluto TV previously has withdrawn its request for waiver with respect to its service on the Samsung Tizen 2016 and Vizio Via platforms.³ Accordingly, the pending Petition concerns IP captioning on Hisense, Samsung Tizen 2015, Vizio Via+ Blink Browser, Vizio Via+ Presto Browser, and Vizio WatchFree.

¹ See Petition for Waiver of Pluto Inc., MB Docket No. 11-154 (filed May 15, 2019).

² On these platforms, today users who access the Pluto TV app see a “barker” message that directs them to methods of accessing Pluto TV with compliant captions.

³ See Comments of Pluto Inc., MB Docket No. 11-154, at 2-3 (filed Feb. 21, 2020).

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Request for Suspension of Consideration of Petition. Since filing its Petition, Pluto TV has redoubled its efforts to ensure that users can access fully compliant captions on Pluto TV regardless of the platform on which they access the service. With support from its corporate parent, ViacomCBS Inc., Pluto TV actively is working to meet that goal. In the meantime, and in recognition of concerns about the precedential effect of granting a temporary waiver as to the platforms that remain subject to the Petition,⁴ Pluto TV respectfully requests that the Commission suspend consideration of the Petition.⁵

Pluto TV also takes this opportunity to clarify that the standard under which it had sought waiver was Section 1.3 of the Commission's rules, under which the Commission may waive its rules for "good cause shown."⁶ On May 13, 2019, Pluto TV had filed a similar request for waiver under both the general waiver standard *and* the "economic burden" standard of Section 79.4(d) of the Commission's rules.⁷ Pluto TV did not prosecute that earlier request and it was not the subject of any public notice. To further clarify the record, Pluto TV withdraws its May 13, 2019 request.

Please direct any questions to the undersigned.

Sincerely,



Matthew S. DelNero
*Counsel to ViacomCBS Inc.
and Pluto Inc.*

⁴ See, e.g., Letter from Laura M. Moy, Institute for Public Representation, Georgetown University Law Center to Marlene H. Dortch, Secretary, FCC, MB Docket No. 11-154 (filed May 11, 2020).

⁵ Pluto TV has not at this time withdrawn the Petition, to avoid any misimpression that Pluto TV has completed necessary accessibility improvements. Should the Commission prefer, however, Pluto TV will withdraw the Petition.

⁶ 47 C.F.R. § 1.3.

⁷ See Petition for Waiver of Pluto Inc., MB Docket No. 11-154 (filed May 13, 2019).