

CHECKLIST FOR COMPETITIVE NAVIGATION DEVICE CERTIFICATION

By allowing MVPDs and device manufacturers to require reciprocal certification of the following items, the Commission can ensure enforceable compliance with reasonable requirements, consumer expectations, and the objectives and requirements of Section 629, including the availability of MVPD apps for competitive devices.

Device Manufacturer Certifications

<i>Once a device manufacturer certifies compliance with the following terms, the Commission will permit them to receive and provide access to MVPD-supplied apps via a competitive device:</i>			
√	#	Checklist Item	Item Requirement Description
<input type="checkbox"/>	1	Preservation of Channel Line-Up	Channel line-ups would be displayed by competitive devices as transmitted and without obfuscation; arrangements favoring minority programming will be preserved.
<input type="checkbox"/>	2	Privacy Protections	Privacy obligations of Section 631 will be respected.
<input type="checkbox"/>	3	Advertising Protections	Advertising would be displayed by competitive devices as transmitted and without obfuscation.
<input type="checkbox"/>	4	Consumer Protections	Device manufacturer agrees to requirements for emergency alerts, closed captioning, accessibility and parental controls.
<input type="checkbox"/>	5	Security	Device manufacturer will continue to abide by regulations (47 CFR 76.1201 and 76.1203) protecting the network from electronic harm or unauthorized receipt or theft of service.

MVPD Certifications

<i>Compliance with the following terms satisfies MVPDs' obligations under the Commission's proposed rules in the navigation device proceeding:</i>			
√	#	Checklist Item	Item Requirement Description
<input type="checkbox"/>	1	Parity of Content & Performance	MVPD asserts that its app provides same linear programming and VOD content and performance standards made available on MVPD-supplied devices.
<input type="checkbox"/>	2	Parity of Function	MVPDs will provide apps with the same features as those available on MVPD-supplied devices.
<input type="checkbox"/>	3	Nondiscrimination	Standard license negotiated by MVPDs and programmers cannot include terms that unfairly discriminates against certain classes of devices or restricts parity of competitive devices with MVPD devices.
<input type="checkbox"/>	4	Anticompetitive Conduct	Standard license negotiated by MVPDs and programmers cannot include terms that require device manufacturers to block or preclude certain apps or unlicensed online content (i.e. disabling access to online sources of programming before a MVPD-supplied app can be accessed)
<input type="checkbox"/>	5	Universal Search / Entitlement	Standard license negotiated by MVPDs and programmers cannot include terms that require integrated search results to favor MVPD-supplied content. Furthermore, MVPDs must provide a minimum set of data to permit third party devices to import the list of available programs as well as the

			entitlement and price information for linear programming, VOD, and cloud recording (if offered by the MVPD).
<input type="checkbox"/>	6	Technical Support for App	MVPDs must provide apps via the applicable standards and follow protocols to identify its software.

Enforcement Provisions

Reciprocal certification can be enforced through an expeditious complaint process at the Commission. The Commission should extend its rules on docketing and electronic filing to permit aggrieved parties to submit complaints related to alleged violations of the Checklist for Competitive Navigation Device Certification that would be expeditiously reviewed by the Enforcement Bureau. Appropriate remedies for violations of the Checklist include: specific performance, notices of violation, notices of apparent liability, monetary forfeitures and refunds, cease and desist orders, or negotiated Consent Decrees containing damages, restitution, compliance requirements, and equitable remedies.