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Gerard J. Waldron

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 5360  
gwaldron@cov.com

November 4, 2016

## By ECFS

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

**Re: Written *Ex Parte* Presentation in Docket Nos. 16-42, 97-80**

Dear Ms. Dortch:

On November 2, 2016, Matthew Chaboud and Sarah Hudgins with Amazon and the undersigned (collectively, the “Amazon representatives”) met with Marc Paul, Legal Advisor to Commissioner Rosenworcel. We began the meeting by reiterating Amazon’s support of the Commission’s efforts to promote greater consumer choice in how they consume MVPD linear and VOD services on set-top-boxes (STBs). We stated that an app-based approach could be a vehicle for fostering competition and giving consumers choice in the display, selection, and use of video programming. Consumers deserve this choice in the short-term. We also expressed concern that the proposed licensing and industry group process could delay competition and customer choice.

In that context, we reiterated our support for leveraging the existing app marketplace. The standard practices and guidelines of appstores are well-understood, transparent, and accepted by media companies, including cable programmers and MVPDs that work within these practices to provide apps to phone and tablet devices today. In accordance with standard appstore practices and guidelines for publication, we recommended the Commission adopt a rule that within one year of adoption, subscribers should have access to an app on widely distributed devices that enables an MVPD subscriber to access and display the video content offered by the MVPD. The Commission also should give MVPDs that are unable to reach agreement with a device maker on in-app transactions the flexibility to comply with the rule by offering a “consumption only” app—that is, an app that allows users to access already purchased content but does not enable the purchase of new content.

We explained that by giving MVPDs the flexibility to offer a consumption-only app, the Commission’s ensures that an inability to agree on commercial terms for the sale of content will

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not delay the availability of MVPD linear and VOD services on widely distributed devices. We then discussed how this proposal will foster competition among MVPDs and among device makers. Additionally, in terms of facilitating consumer search on third-party devices, we explained that the minimum requirements are basic programming information (including season and episode identity in some canonical format) and consumer entitlement information. Without those essential pieces the consumer search experience would be frustrating for consumers and discouraging to device makers. Finally, we stated that we think the Commission has ample authority under the Communications Act to adopt these proposals.

Please direct any questions to the undersigned.

Sincerely,

/s/

Gerard J. Waldron

*Counsel to Amazon.com Inc.*

cc: Marc Paul