Directors Guild of America, Inc.

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Received & Inspected
OCT 26 2016
FCC Mailroom

October 25, 2016

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

DOCKET FILE COPY ORIGINAL

RE: Notice of Ex Parte Presentation
In the Matter of Expanding Consumers' Video Navigation Choices, MB Docket No. 16-42; *Commercial Availability of Navigation Devices*, CS Docket No 97-80

Dear Ms. Dortch:

This ex parte covers recent communication with Commissioner Rosenworcel. On October 17, Jay Roth of the Directors Guild of America (DGA) sent Commissioner Rosenworcel a letter thanking her for her expressed concern for the rights of creators in the set top box proceeding. The letter also reiterated the DGA's concern that the current FCC proposal does not protect DGA members' creative works and will impact their livelihoods and future ability to create the best programming in the world. The letter was consistent with the issues raised in the DGA/IA joint filings and in other statements the DGA has made about this proceeding.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS. Please let us know if you have any questions.

Sincerely,

Kathy Garmezy

Kathy Garmezy
Associate Executive Director
Government and International Affairs
Directors Guild of America

CC: Commissioner Jessica Rosenworcel
Marc A. Paul, Legal Advisor

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Directors Guild of America, Inc.

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October 17, 2016

Jessica Rosenworcel
Commissioner
Federal Communications Commission
445 12th Street NW
Washington, DC 20554

Re*: In the Matter of Expanding Consumers' Video Navigation Choices,* MB Docket No. 16-42; *Commercial Availability of Navigation Devices*, CS Docket No 97-80

Dear Commissioner Rosenworcel,

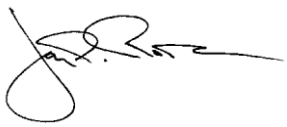
We write on behalf of the 16,500 members of the Directors Guild of America to express our deep appreciation for your expressed concern, through the set top box debate, for the rights of creators and your questions about the breadth of the FCC's authority over copyright and licensing matters. At the same time we want to reiterate our concern that the FCC current set top box proposal does not protect our members' creative work and will impact their livelihood and their future ability to create the world's best content. We are also concerned with the lack of FCC transparency surrounding the specifics of the proposal.

As we have stated in our filings and other communications, we support the goal of opening set-top boxes to competition, but believe that FCC's current approach overreaches and negatively impacts the economic foundation of our industry. The current proposal continues to shrink and shut off revenue streams from which filmmakers and other creators derive substantial income.

At stake in this deliberation are jobs, hundreds of millions of dollars in revenue and the current operating structure of an entire industry, yet the lack of transparency about the actual specifics of the set top box proposal—beyond a few pages of a broad outline-- has left us very much in the dark as to its intent and impact. While we understand the importance of being responsive to the FCC's request for input and comments on the proposal, the reality is that we do not have sufficient information to make a complete and reasoned assessment.

We welcome the FCC's decision to delay its vote and to lift the sunshine prohibition and we urge that the next step be a far more transparent process where the revised proposal is publicly released so we can understand its implications and impact of its implementation in advance of any vote. We hope, with that approach, a proposal can be crafted that protects copyright and the revenue streams that foster an environment where creativity can flourish—while providing consumers with options and choice.
Again, we want to thank you for the care and consideration that you have shown throughout this process and your willingness to always listen to our concerns.

Sincerely,



Jay D. Roth
National Executive Director
DIRECTORS GUILD OF AMERICA