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November 1, 1994

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: ET Docket No. 93-7
Ex Parte Presentation

Dear Mr. Caton:

Please be advised that Hewlett-Packard sent the attached letter to Ms. Merrill Spiegel, with copies to Mr. Bruce Franca and Mr. Saul Shapiro. Two copies of this letter are hereby submitted for the public record in this proceeding, pursuant to 47 C.F.R. § 1.1206(a)(1).

If there are any questions in this regard, please contact the undersigned.

Sincerely,


Henry Goldberg

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Ms. Merrill Spiegel
Special Assistant to the Chairman
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Dear Ms. Spiegel:

As we previously have discussed, Hewlett-Packard ("HP") supports the Commission's efforts to protect the ability of cable subscribers who have purchased remote control devices to continue using those devices even if the cable operator changes their set-top box. As we also have discussed, however, HP is concerned that Section 76.630(c) as currently written would have an unintended and unnecessary adverse effect on manufacturers of consumer electronics equipment and cable operators.

Cable operators generally did not permit subscribers to use their own remote control devices prior to passage of the 1992 Cable Act and implementation of the Commission's rules on this issue, which became effective on May 31, 1994. See "Consumer Electronics and Cable System Compatibility," Report to the Congress, Federal Communications Commission, p. 27 (October 1993); 47 C.F.R § 76.630(b). As a result, most consumers have not yet had the opportunity to purchase or use their own remotes with their existing cable set-top box. As consumers begin acquiring their own remotes, many will purchase relatively low cost items (remote control devices typically sell in the \$15 to \$30 range, see "Consumer Electronics and Cable System Compatibility," supra, at 27-28) or will obtain so-called "universal" devices (remotes that can be programmed or "taught" to operate any set-top device).

It therefore would be reasonable for the Commission to find that a robust market for remote control devices would develop and consumers' investments in such devices would be adequately guarded if only those devices that were commercially available to consumers at the retail level during the two-year

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period prior to replacement of the set-top box were protected from forced obsolescence.

Under this approach, operators would be required to include in any new set-top box the codes necessary for the operation of any remote control device that had been commercially available to consumers for use with the old set-top box during the two-year period prior to the equipment upgrade, but would not be required to include every code used by any remote that had ever been made commercially available.

H-P urges the Commission either to modify the text of Section 76.630(c)¹ or to clarify that the rule as currently written requires cable operators to include in equipment upgrades only existing infrared codes that are necessary to ensure that the new set-top box is compatible with any remote control unit that (1) has been commercially available to consumers at the retail level during the two-year period prior to replacement of the set-top box and (2) is capable of being used with the set-top box being replaced.

Respectfully submitted,



Henry Goldberg
Attorney for Hewlett-Packard

cc: Bruce Franca
Saul Shapiro

¹ HP recommends that a revised rule should read as follows:

(c) Cable operators may not alter the infrared codes used to operate the remote control capabilities of the customer premises equipment they employ in providing service to subscribers. Cable operators may, however, use new equipment that includes additional or different infrared codes, as long as the new equipment is compatible with any set of infrared codes that has been included in any remote control unit that (i) has been commercially available to consumers at the retail level during the two-year period prior to replacement of the set-top box and (ii) is capable of being used with the customer premises equipment being replaced.