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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of) CS Docket No. 97-80
Implementation of Section 304 of)
the Telecommunications Act of 1996)
Commercial Availability of)
Navigation Devices)

To: The Commission

COMMENTS OF UNIDEN AMERICA CORPORATION

Uniden America Corporation (hereinafter "Uniden") pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. § 1.415, herewith respectfully submits its comments to the Commission in the above-captioned proceeding. Along with its parent corporation and affiliate companies, Uniden manufactures and markets a broad line of communications equipment, including television receive-only earth stations for consumer and industrial use ("TVRO"), professional land mobile, citizens band and marine radios as well as cordless and cellular telephones and many other consumer electronic devices. Based upon its significant history of involvement in the manufacture and sale of TVROs, Uniden provides its comments on the issues raised by the Commission in this docket.

Distribution Model

Uniden supports the Commission's selection of the telephone industry model as the most appropriate for the new generation of multi-video program devices ("MVPs") envisioned by this Notice of Proposed Rulemaking. As we have seen in the telephone industry, a rule which allows the attachment of any device to a network

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that is privately beneficial without being publicly detrimental fosters the most innovation and added value by the plethora of competitive equipment suppliers attracted to such a market. The sole and overriding consideration in this respect is for the Commission to define and adopt rules providing for standardized interfaces so that equipment may be reliably manufactured with the knowledge that it will be useable on all systems for which it is designed and for any purchaser otherwise lawfully qualified to receive the service.

Scope of Services Covered

Uniden believes that if rules are adopted to allow for it, competitive MVP markets can be developed in nearly all aspects of the multi-video marketplace. Accordingly, Uniden would support the Commission's adoption of a broad definition of the MVP marketplace, including cable operators, Direct-to-Home Satellite services ("DTH") including Direct Broadcast Satellite ("DBS"), other receive-only satellite program distributors, satellite master antenna systems, and wireless cable and digital television broadcast stations. All MVP subscribers should have the benefits of competition available to them so long as the proprietary and commercial rights of the video program providers are protected. In adopting this position, however, Uniden wishes to emphasize its belief that proprietary intellectual property involved in any specialized transmission system also needs to be protected. To the extent that the imposition of required public standards and interoperability would invalidate the patent rights or property rights of any particular MVP, they should take precedence over

the standard setting process and the competitive issues be resolved by reference to the patent and anti-trust laws.

Similarly, and for the same reasons, Uniden would support the Commission's adoption of an expansive interpretation of the scope of equipment covered. Too narrow a construction of the scope of equipment covered might allow subscribers to obtain their own equipment, but still have to pay for "black boxes" and other "interface" equipment that would ultimately make it uneconomical to purchase a competitive equipment supplier's device from another source. The need for such protective devices was ultimately eliminated in the telephone industry, and that industry model should prevail in the MVP industry as well.

Commercial Availability

Uniden endorses the Commission's suggestion to allow network service providers the ability to establish and enforce their own standards on what can be attached to their systems. Based upon the experience generated by working with such a system for a short while, Uniden believes it would become clear to all participants whether further, formal administrative procedures are required. Should FCC oversight become necessary, Uniden would find the replication and expansion of the Part 68 process to MVP equipment to be desirable. Uniden's substantial experience with the Part 68 process for registration of telephone product lines has been very satisfactory and it believes that an MVP's system can be protected through a Part 68 type registration system with the same degree of ease and responsiveness as existing Part 68 does for telephone interconnect equipment.

Uniden also endorses the Commission's conclusion that its existing Part 15 certification process should adequately address signal leakage issues. The Part 15 process has proven itself to be sufficiently responsive to potential signal leakage problems in similar areas in the past, including those involving cable television connection devices. If the system has worked for existing closed systems, such as cable television and the broad spectrum of frequencies which are utilized by that industry, there is no reason to suspect that it would not be equally satisfactory for other MVP interconnect devices.

Quality of Service

It has also been Uniden's experience with respect to consumer grade telecommunications devices that the competitive marketplace adequately addresses the quality issues -- even for somewhat sophisticated devices. Uniden has found this to be true in connection with its TVRO and cordless telephone product lines. A competitive marketplace creates strong incentive for product differentiation, and one of the best ways to distinguish your product is through quality control. Allowing the marketplace to make such decisions, provides the greatest variety of alternatives for consumers who then may educate themselves as to the differences among products. For some consumers, price will always be a relevant consideration. For them, allowing a trade-off of price for signal quality may be an economically solid and socially beneficial choice.

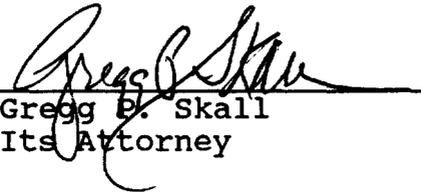
Summary and Conclusion

In summary, Uniden believes that the Commission's final rule should reflect the following principles:

1. MVP should be defined broadly to include cable operators, DTH satellite services, including DBS services, satellite master antenna systems, wireless cable and digital television broadcast stations.
2. The Commission should adopt a broad interpretation of devices to ensure that consumers are able to access programming and other services of MVPs through their own purchased devices. MVP receiver devices should be commercially available from the competitive marketplace provided that the MVP's proprietary information and system integrity and safety are protected. Within those bounds, Uniden supports the Commission's proposal to adopt the telephone distribution model employing the standard that every individual subscriber should have the right to attach their own equipment which does not adversely affect a network.
3. The Commission should allow for a full range of competitive marketplace responses including consumer selection of signal quality.
4. The Commission should continue to use its existing Part 15 certification process to address signal leakage issues.

Respectfully submitted,

UNIDEN AMERICA CORPORATION

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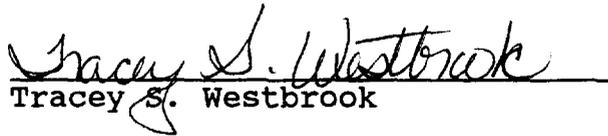
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CERTIFICATE OF SERVICE

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that true copies of the foregoing "Comments of Uniden America Corporation" were sent this 16th day of May, 1997 by U.S. first class mail, postage prepaid, to the following:

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