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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
)  
Implementation of Section 304 of )  
the Telecommunications Act of 1996 )  
Television Consumer Protection )  
)  
Commercial Availability of )  
Navigational Devices )

CS Docket No. 97-80

**PETITION FOR RECONSIDERATION**

**THE WIRELESS COMMUNICATIONS  
ASSOCIATION INTERNATIONAL, INC.**

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## EXECUTIVE SUMMARY

The Wireless Communications Association International, Inc. (“WCA”) generally believes that the Commission’s *Report and Order* (“*R&O*”) in this proceeding serves the public interest insofar as it expands the *Carterfone* policy to promote a competitive retail market for set-top converter boxes and similar consumer electronic devices. WCA fears, however, that certain portions of the *R&O* could be interpreted in a manner that, as applied to wireless cable operators, violates Congress’s broad admonition that the Commission not take any action “*which could have the effect of freezing or chilling the development of new technologies and services.*” WCA thus requests certain limited refinements of the Commission’s new rules to ensure that the Commission’s approach remains in harmony with Congressional intent.

First, the Commission’s January 1, 2005 “security separation” deadline imposes a unique and potentially staggering financial burden on wireless cable operators. As the Commission is aware, wireless cable operators only recently began to launch digital wireless cable systems in major markets, and numerous additional launches are likely to occur between now and the time non-integrated boxes become available. Wireless cable operators will be spending hundreds of millions of dollars on integrated digital set-top boxes during this period -- boxes with anticipated useful lives extending far beyond January 1, 2005. The *R&O*, however, appears to suggest that any integrated set-top boxes purchased prior to 2005 but in inventory or deployed but thereafter returned to inventory due to subscriber churn must be retired from service prior to expiration of their useful life. The potential costs of this “stranded” inventory are enormous, and there is nothing in the Telecommunications Act of 1996 which even remotely suggests that Congress intended to burden cable’s newly-emerging competitors in this manner. Absent relief, it will prove exceptionally difficult for wireless cable operators to raise the investment capital necessary to fuel their deployment of digital technology. Accordingly, WCA asks that the Commission amend Section 76.1204 of its rules to clarify that the January 1, 2005 “security separation” deadline will *not* apply to any integrated set-top boxes purchased prior to that date.

Second, the Commission should revise Section 76.1200(c) to make clear that the Commission’s definition of “navigation devices” is limited only to those devices located within the subscriber’s premises, and thus excludes outdoor devices such as wireless cable antennas and downconverters. The Commission has explicitly recognized that “[c]ustomer services equipment is not typically *directly connected to radio spectrum* using MVPD networks such as MMDS or DBS systems.” Moreover, the Commission’s rules also specifically state that the right to attach does not apply to any equipment which can be used to facilitate unauthorized reception of service. Necessarily, then, wireless cable antennas and downconverters, like the “drop line” between the subscriber and a cable system to which they are analogous, are not CPE and thus should be categorically excluded from the Commission’s definition of “navigation devices.”

The unique operating characteristics of wireless cable antennas and downconverters completely support the *R&O*’s explicit exemption of that equipment from the Commission’s new rules. Unfortunately, the text of the relevant *rule* on this issue, Section 76.1200(c), creates an

ambiguity on this issue by neglecting to address a critical element of any *Carterfone* analysis, *i.e.*, the point at which the network ends and the subscriber's right to attach begins. WCA thus believes that the Commission should clarify the matter once and for all simply by defining a demarcation point that limits a subscriber's "right to attach" to equipment inside the subscriber's premises, and which thus confirms the *R&O's* explicit directive that wireless cable antennas and downconverters are excluded from the definition of "navigation devices."

Finally, it has come to WCA's attention that several alternative MVPDs (including one wireless cable operator) have been deliberately excluded from CableLabs' "OpenCable" standards-setting process, which, as noted by the Commission, "should lead to standardization, design, and production of . . . security modules and permit the design, production, and distribution of the associated navigation devices for retail sale." The anticompetitive consequences of this are obvious. Thus it is absolutely imperative that the Commission state in no uncertain terms that such conduct will not be tolerated, and that the Commission will not accept any standards adopted without full participation by all affected MVPDs.

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**PETITION FOR RECONSIDERATION**

The Wireless Communications Association International, Inc. ("WCA"), by its attorneys and pursuant to Section 1.429 of the Commission's Rules, hereby submits its Petition for Reconsideration with respect to the *Report and Order* ("R&O") in the above-captioned proceeding.<sup>1/</sup>

**I. INTRODUCTION.**

As a general matter, WCA agrees that consumers and multichannel video programming distributors ("MVPDs") will be well served by the development of a competitive retail market for navigation devices. WCA thus supports the R&O to the extent that it expands the *Carterfone* policy to promote the development of that market without excessive regulation or unnecessary Commission intervention in the standards-setting process. By the same token, however, Congress intended to promote commercial availability of navigation devices in the broader context of a fully competitive

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<sup>1/</sup> FCC 98-116 (rel. June 24, 1998). WCA, formerly known as The Wireless Cable Association International, Inc., is the principal trade association of the wireless broadband industry. Its membership includes virtually every terrestrial wireless video provider in the United States, the licensees of many of the Multipoint Distribution Service ("MDS") stations and Instructional Television Fixed Service ("ITFS") stations that lease transmission capacity to wireless cable operators, Local Multipoint Distribution Service ("LMDS") licensees, producers of video programming, and manufacturers of wireless cable transmission and reception equipment.

MVPD marketplace. WCA believes that the Commission's new "commercial availability" rules, if not clarified on reconsideration, will defeat Congressional intent by imposing disproportionate and potentially insurmountable financial burdens on wireless cable operators and other terrestrial wireless MVPDs who are just beginning to provide competitive alternatives to franchised cable service in local markets.

First and foremost, WCA urges the Commission to reconsider its requirement that any integrated set-top boxes purchased prior to January 1, 2005 but either not deployed or subsequently returned to inventory thereafter due to subscriber churn must be scrapped. This requirement will render many wireless cable set-top boxes obsolete long before expiration of their useful life, impairing the ability of wireless cable operators to raise and spend the hundreds of millions of dollars that it will cost to acquire the equipment necessary to deploy digital wireless cable technology. The Commission's rules thus seriously jeopardize the launch of competitive digital wireless cable systems in local markets, a result which is in no way consistent with Congress's broader intent to promote MVPD competition.

Second, the *R&O* correctly states that the term "navigation devices" includes "converter boxes, interactive equipment, and other equipment used by consumers *within their premises* to receive multichannel video programming and other services . . . ." The definition thus categorically excludes outdoor "access" equipment such as wireless cable antennas and downconverters. Indeed, the text of the *R&O* explicitly reinforces the point by recognizing that customer CPE ***does not include equipment connected directly to a wireless cable operator's microwave signal***, and that the "right to attach" does not apply to any equipment which can be used to facilitate theft of service.

Moreover, the “plug and play” scenario which the Commission envisions for set-top boxes cannot be achieved with wireless cable antennas and downconverters, since it is impossible to design a “standard” antenna/downconverter combination that will work at *every* subscriber location under any and all environmental conditions, power levels and transmit/receive distances for every wireless cable operator in the United States. The equipment’s other unique operational characteristics similarly support its exemption from the Commission’s new rules.

The problem, however, is that the text of Section 76.1200(c) of the Commission’s Rules appears to suggest that the Commission’s definition of “navigation devices” in fact encompasses devices located outside the subscriber’s premises, and thus would include wireless cable antennas and downconverters (as well as equipment like cable “drop lines” to which antennas and downconverters are analogous). WCA believes that the Commission can and should eliminate this ambiguity between the text of the *R&O* and the rule simply by establishing a specific demarcation point that limits the subscriber’s right to attach to that equipment located inside the subscriber’s premises.

Finally, it has come to WCA’s attention that several alternative MVPDs (including at least one wireless cable operator) recently were denied membership in CableLabs, apparently for anti-competitive reasons. WCA believes it is highly dangerous and counterproductive for the Commission to leave the standards-setting process to a private, cable-controlled organization that deliberately excludes competing MVPDs. The Commission should issue an unequivocal declaration that such anticompetitive conduct will not be tolerated.

## II. DISCUSSION.

- A. *The Commission Should Clarify That Its January 1, 2005 "Security Separation" Deadline Will Not Prevent Wireless Cable Operators From Utilizing "Integrated" Set-Top Boxes Through The End Of Their Useful Life.*

Under the Commission's new rules, an MVPD may not sell or lease "integrated" set-top boxes (*i.e.*, those in which the security and nonsecurity functions have not been separated) after January 1, 2005.<sup>2/</sup> The rules do not appear to allow the sale or lease of integrated boxes purchased prior to that date which are in inventory on that date or are deployed prior to that date but subsequently returned to inventory by virtue of subscriber churn.

This imposes an enormous financial burden on wireless cable operators that must be addressed on reconsideration. Subscriber churn is an unavoidable reality of an MVPD's business, and as a result a substantial percentage of set-top boxes in the field eventually are returned to inventory prior to the expiration of their useful lives. Once returned, these boxes are not scrapped; instead, they are redeployed for new subscribers (perhaps multiple times) until they can no longer be used. Under the Commission's new rules, however, all of those boxes would have to be scrapped upon their return to inventory after January 1, 2005. Thus, the wireless cable industry's potential cost of "stranded" inventory under the Commission's current rules is staggering.

WCA urges the Commission not to underestimate the seriousness of this problem. As the Commission is well aware, the wireless cable industry is in a nascent stage of development when compared to incumbent cable operators or even DBS. Wireless cable operators only began launching digital wireless cable systems in major markets over the past year, and additional launches

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<sup>2/</sup> *NPRM* at ¶ 69.

are anticipated between now and the date when non-integrated set-top boxes are likely to be available from manufacturers.<sup>3/</sup> As a result, wireless cable operators must continue to invest hundreds of millions of dollars toward purchasing integrated set-top boxes that, absent regulatory relief, will be worthless after 2004. Simply stated, potential investors in the wireless cable industry cannot be expected to provide the substantial capital necessary for system launches if they perceive that the Commission's rules expose wireless cable operators to a catastrophic risk of stranded inventory. Accordingly, consistent with Congress's broad admonition that the Commission "avoid actions which could have the effect of freezing or chilling the development of new technologies and services,"<sup>4/</sup> WCA asks that the Commission clarify that its January 1, 2005 "security separation" deadline will not apply to integrated set-top boxes purchased prior to January 1, 2005.

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<sup>3/</sup> See, e.g., Hogan, "GTE Steps Up Marketing Efforts in Hawaii", *Multichannel News*, at 34 (July 20, 1998) [discussion launch of GTE's digital wireless cable system in Honolulu]; Barthold, "Wireless Crossroads: Digital, Data and Telephony," *Cable World*, at 93 (June 29, 1998) [noting, *inter alia*, that BellSouth has launched digital wireless cable systems in New Orleans and Atlanta, and is scheduled to launch additional systems in Orlando, Jacksonville and Daytona Beach].

<sup>4/</sup> See n.13, *infra*.

*B. The Commission Should Reaffirm That Wireless Cable Antennas and Downconverters Are Excluded From the Commission's Definition of "Navigation Devices."*

As a general matter, WCA agrees that "[t]he focus of Section 629, . . . , is on *cable television set-top boxes*, devices that have historically been available only on a lease basis from the service provider."<sup>2/</sup> On this point, it must be emphasized that the wireless cable industry operates in a fully competitive environment, and thus wireless cable operators already have every incentive to make their equipment available for sale on reasonable terms and conditions at retail, should a marketplace demand for such access emerge.<sup>3/</sup> Unlike cable, which can lease equipment at above-market rates due to its market power, wireless cable must price its service fairly and reasonably. In this regard the wireless cable industry is no different from DBS, which ironically enjoys *complete exemption*

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<sup>2/</sup> *NPRM* at ¶ 8 (emphasis added). See also H.R. Rep. 104-204, 104th Cong., 1st Sess., at 112 (1995) ["A competitive market in navigation devices and equipment will allow common circuitry to be built into a *single box* or, eventually into televisions, video recorders, etc."] [emphasis added] [the "House Report"].

<sup>3/</sup> The earlier comments of General Instrument, a major supplier of digital set-top boxes to the wireless cable industry, are instructive on this point:

When consumers have access to *multiple* service providers, . . . , the benefits of commercial availability are obtained even if each service provider is the only source of consumer equipment that can be used on its system. In this case, competition among MVPDs will lower equipment prices and spur innovation in the same way that having independent outlets does when there is a single MVPD. . . . Here, competition among delivery systems provides the same benefits as does competition in the sale of equipment for any particular system.

Comments of General Instrument Corporation, CS Docket No. 97-80, at 92 (filed May 16, 1997) [emphasis in original].

from the Commission's commercial availability rules.<sup>7/</sup> WCA submits that any Commission action on reconsideration of the *R&O* should take this anomaly into account.

Fortunately, the *R&O* provides the wireless cable industry with at least some relief by excluding wireless cable antennas and downconverters from the Commission's definition of "navigation devices." More specifically, the *R&O* limits the definition of "navigation devices" to "converter boxes, interactive equipment, and other equipment used by consumers *within their premises* to receive multichannel video programming and other services . . . ."<sup>8/</sup> A wireless cable antenna is an *outdoor* device that directly receives a wireless cable operator's 2 GHz microwave signal. Once received, the signal is passed to the downconverter (which is either integrated into the antenna or attached directly to it), which converts the wireless cable operator's 2 GHz frequencies to viewable frequencies. Any doubts as to the Commission's intent to exclude these devices are resolved unequivocally at footnote 60 of the *R&O*, where the Commission states that "[c]ustomer premises equipment *is not typically directly connected to radio spectrum using MVPD networks such as MMDS or DBS systems.*"<sup>9/</sup>

Moreover, the *R&O* further confirms the point by noting that a subscriber's right to attach "does not apply to any equipment which can be used to receive, or assist in the unauthorized reception of service."<sup>10/</sup> It is well settled that wireless cable antennas and downconverters may be used to "pirate" wireless cable service, and, as pointed out in WCA's Reply Comments on the

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<sup>7/</sup> *NPRM* at ¶¶ 65-66.

<sup>8/</sup> *Id.* at ¶ 1 n.1 (emphasis added).

<sup>9/</sup> *Id.* at ¶ 35 n.60 (emphasis added).

<sup>10/</sup> *Id.* at ¶ 32.

*NPRM*, courts have clearly established that the use of both to receive wireless cable service without authorization is “signal piracy” in violation of Section 705 of the Communications Act, regardless of whether the wireless cable operator’s signal is scrambled.<sup>11/</sup>

In addition, the unique operational characteristics of wireless cable antennas and downconverters fully support the Commission’s exclusion of that equipment from the definition of “navigation devices.” Because the quality of a wireless cable operator’s signal is affected by a broad variety of factors beyond the operator’s control (*e.g.*, distance to the subscriber, the height of the subscriber’s rooftop, the presence of environmental and man-made factors such as terrain obstructions, tall buildings, and foliage), a wireless cable antenna/downconverter combination cannot be selected without regard to a variety of site-specific factors. It is common practice for wireless cable operators to deploy multiple combinations of antennas and downconverters within the same service area to accommodate varying environmental conditions. For example, the required “gain” level of an antenna or downconverter depends upon the level of signal received at the subscriber’s home, and thus may need to be adjusted on a case-by-case basis depending on where the subscriber’s residence is located in relation to the wireless cable operator’s transmitter. Ultimately, the wireless cable installer will mix and match antennas and downconverters based on their performance characteristics to ensure proper operation of the equipment in light of the strength of the desired signal at the specific location. The circumstances under which a given antenna/downconverter combination will work necessarily changes on a case-by-case basis, and, in contrast to what the

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<sup>11/</sup> Reply Comments of The Wireless Cable Association International, Inc., CS Docket 97-80, at 11 (filed June 23, 1997), *citing California Satellite Systems v. Seimon*, 767 F.2d 1364 (9th Cir. 1985).

Commission assumes to be the case with respect to set-top boxes, it is impossible to design a single wireless cable antenna/downconverter combination that will provide acceptable performance under all conditions.<sup>12/</sup>

The use of wireless cable antennas and downconverters in the MDU environment also demonstrates why they are properly classified as part of a wireless cable operator's network, *not* as customer CPE. When wireless cable serves an MDU, each resident *shares* a common antenna/downconverter installed on the roof of the building. Under these circumstances, a wireless cable antennas/downconverter combination obviously is not "customer premises equipment" since it is shared in common by *all* "customers" at a location *outside* their individual premises.

Finally, many wireless cable operators have deployed addressable downconverters that already remove security functions from the "navigation device" as intended by the Commission. In an addressable downconverter, all necessary access codes and other security functions are built into the downconverter itself, thus eliminating the need for a set-top box where the television or any

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<sup>12/</sup> What the above demonstrates is that the wireless cable antenna/downconverter combination is not a "plug and play" product that a consumer can simply take out of a box and use immediately at any location. Consequently, the potential risk of customer dissatisfaction with antennas and downconverters purchased at retail is exceptionally high. It is beyond dispute that wireless cable operators will have a great deal of difficulty marketing their services effectively in an environment where consumers are consistently bringing home store-bought antennas and downconverters that do not work. Given that wireless cable is a *service-oriented* business that must compete aggressively against entrenched cable operators for subscribers, the wireless cable industry can ill afford a loss of customer goodwill. Yet this sort of "chilling effect" is precisely what Congress instructed the Commission to *avoid* in adopting its commercial availability rules. See H.R. Conf. Rep. No. 104-458, 104th Cong., 2d Sess., at 181 (1996) ["The conferees intend that the Commission *avoid actions which could have the effect of freezing or chilling the development of new technologies and services. . . .* Thus, in implementing this section, the Commission *should take cognizance of the current state of the marketplace* and consider the results of private standards setting activities."] [emphasis added] [the "Conference Report"].

attached VCR can tune to cable frequencies. As a result, all security functions effectively are removed from the navigation devices inside the subscriber's premises (*i.e.*, the subscriber's television set and/or VCR), which is precisely what the Commission is trying to achieve in this proceeding. It thus makes little sense to require wireless cable operators to go through the costly and redundant exercise of "re-separating" security functions out of addressable downconverters to comply with the letter of the Commission's new rules.

Nonetheless, Section 76.1200(c), the rule which actually implements the *R&O*'s definition of "navigation devices," appears to create an ambiguity as to whether the definition is in fact limited only to equipment located inside the subscriber's premises, and thus categorically excludes wireless cable antennas and downconverters. In WCA's view, the ambiguity arises from the Commission's failure to incorporate into the *R&O* a critical element of *Carterfone* and its progeny, namely the point at which the MVPD's network ends and the subscriber's right to attach begins. In the Commission's rules that give subscribers a right to attach their own wiring to an MVPD's network, the Commission utilizes a "demarcation point" which effectively limits the subscriber's right to attach to that portion of the network inside the subscriber's premises.<sup>13/</sup> By contrast, Section

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<sup>13/</sup> Part 76 already includes a similar demarcation point for the purpose of defining where a cable subscriber may attach his or her own inside wiring to the cable operator's network. 47 C.F.R. § 76.5 (mm)(2). Given that the considerations applicable to limiting a subscriber's right to attach his or her own inside wiring are the same as those which apply to attachment of navigation devices, The inclusion of a demarcation point in Section 76.1200(c) merely extends a fundamental regulatory concept already embedded in the Commission's cable rules. Moreover, for single family dwellings, the Commission has defined the telephone demarcation point as the point within twelve inches of the telephone company's protector or, where there is no protector, within twelve inches of where the wire enters the subscriber's premises, or as close thereto as practicable. 47 C.F.R. § 68.3. For MDUs existing as of August 13, 1990, the demarcation point shall be determined in accordance with the carrier's reasonable and nondiscriminatory standard operating practices. *Id.*

76.1200(c) defines “navigation devices” without any limitations whatsoever as to where the subscriber may attach his or her equipment.<sup>14/</sup> As a result, the rule could easily be interpreted to mean that the subscriber’s right to attach extends to any equipment installed outside the subscriber’s premises that is used to access service, and thus that the term “demarcation devices” must include wireless cable antennas and downconverters, as well as the cable “drop lines” to which they are analogous. Yet, WCA assumes that the Commission did not intend to give cable subscribers a right to attach their own “drop cables” to a cable operator’s network, since such attachments would facilitate theft of cable service. As currently written, Section 76.1200(c) would permit cable subscribers do exactly that, since the rule suggests that the term “navigation device” includes any “access” device installed at any point on the MVPD’s network. There is no credible legal or public policy basis for such a result.

Accordingly, WCA urges the Commission to clarify this matter once and for all simply by establishing a demarcation point for subscriber attachments of “navigation devices,” and that the demarcation point be defined as the point where the MVPD’s network enters the subscriber’s premises.

- C. *The Commission Should State Unequivocally That Exclusion of Alternative MVPDs From The Private Standards-Setting Process Will Not Be Tolerated.*

The Commission is already well aware of the substantial difficulties associated with

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<sup>14/</sup> See 47 C.F.R. 76.1200(c) (defining “navigation devices” as “devices such as converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems”).

designing a set-top box that is portable and interoperable between MVPDs in the same service.<sup>15/</sup> That task is even more daunting if the box must accommodate MVPDs in *different* services (*e.g.*, wired and wireless cable).<sup>16/</sup> Thus it is absolutely critical that wireless cable operators and other alternative MVPDs be provided a full and fair opportunity to participate in any private standards-setting process relevant to this proceeding, particularly CableLabs' "OpenCable" project, which "should lead to standardization, design, and production of . . . security modules and permit the design, production, and distribution of the associated navigation devices for retail sale."<sup>17/</sup>

Though the Commission "expect[s] that entities outside the membership of CableLabs will be able to participate in the eventual standards setting process," to date that has not been the case. It is WCA's understanding that several alternative MVPDs (including at least one major wireless cable operator) have been denied membership in CableLabs, apparently for anti-competitive reasons.<sup>18/</sup>

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<sup>15/</sup> See, *e.g.*, General Instrument Comments at 36 ("GI estimates that the incremental cost to create a consumer terminal that would accommodate the full range of transmission schemes and operating environments . . . would be significantly more (approximately double) the cost of comparable terminals designed to support a single network architecture."); Comments of Motorola, Inc., CS Docket No. 97-80, at 17 (filed May 16, 1997) ["[A] given cable set-top box is not necessarily portable across the areas served by different operators so a consumer who moves may need a different set-top box, even if they were available at the retail level."] [the "Motorola Comments"].

<sup>16/</sup> See, *e.g.*, Comments of the Telecommunications Industry Association, CS Docket No. 97-80, at 16 (filed May 16, 1997) ["Most of the new MMDS or wireless cable systems are not portable or interoperable. Thus, efforts to standardize or make more uniform the definitions of portability and interoperability will probably be unfair to new entrants."]; Motorola Comments at 17-18.

<sup>17/</sup> *R&O* at ¶ 76.

<sup>18/</sup> According to the *R&O*, 85% of the cable industry is involved in OpenCable; to the best of WCA's knowledge, no entities outside of the cable industry are currently participating. *Id.* at ¶ 14 n.20.

The consequences of this exclusionary conduct are obvious: if alternative MVPDs are deliberately excluded from the standards-setting process, it is highly likely that the resulting standards for set-top boxes and other navigation devices will not accommodate technologies that compete with cable. And, once a cable subscriber purchases a box that can only be used with wired cable systems, it is equally unlikely that he or she will switch to an alternative MVPD whose technology is incompatible with the box. The net result, WCA submits, will be a further tightening of cable's stranglehold over local distribution of video programming, which is exactly the opposite of what both Congress and the Commission have been trying to achieve since passage of the 1992 Cable Act. Therefore, WCA believes that it is absolutely essential that the Commission state unequivocally that deliberate exclusion of alternative MVPDs from the private standards-setting process will not be tolerated, and that it will not accept any standards adopted without sufficient input from all affected MVPDs who are willing to participate on the same terms and conditions as incumbent cable operators.

### III. CONCLUSION.

WCA wishes to reemphasize that the *R&O* represents an excellent template from which to begin constructing a competitive retail market for set-top boxes and other "navigation devices." As reflected in this Petition, WCA is not asking for a substantial overhaul of the Commission's new regulatory scheme. WCA is only requesting that the Commission issue certain limited rule clarifications that will eliminate unnecessary burdens on the wireless cable industry and otherwise conform its rules to "the language and design of the statute as a whole."<sup>19/</sup> In so doing, the

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<sup>19/</sup> *ASTV v. FCC*, 46 F.3d 1173, 1178 (D.C. Cir. 1995), quoting *Fort Stewart Schools v. FLRA*, 495 U.S. 641, 645 (1990).

Commission will promote a fully competitive MVPD marketplace in accordance with Congressional intent, to the benefit of all consumers.

WHEREFORE, the Wireless Communications Association International, Inc. respectfully requests that the Commission reconsider the *R&O* and clarify its new rules in accordance with the recommendations set forth above.

Respectfully submitted,

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