

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission’s Rules to Establish Rules for Digital)	
Low Power Television and Television Translator)	
Stations)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	
)	
Amendment of Part 15 of the Commission’s Rules)	ET Docket No. 14-175
to Eliminate the Analog Tuner Requirement)	

To: The Commission

**REPLY COMMENTS OF
THE CONSUMER ELECTRONICS ASSOCIATION**

The Consumer Electronics Association (“CEA”) hereby responds to comments filed regarding the Third Notice of Proposed Rulemaking (“*Notice*”)¹ in the above-captioned proceedings. The record demonstrates clear support for the Commission’s proposal to eliminate the analog tuner requirement, which no longer is necessary to ensure that consumers can access all broadcast television (“TV”) channels and thus provides little or no value to consumers. Tying a continued mandate to build devices with analog tuners to a possible extension of the low power TV (“LPTV”) and TV translator digital transition deadline would impose costs wildly disproportionate to any possible benefit of the rule. Moreover, by declining to immediately remove this unnecessary requirement, the Commission may unintentionally send the wrong message to LPTV and TV translator licensees that there is no need to rush their transition to

¹ *Amendment of Parts 73 and 74 of the Commission’s Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, Third Notice of Proposed Rulemaking, 29 FCC Rcd 12536 (2014) (“*Notice*”). Unless otherwise noted, all comments cited herein are short-cited, and refer to comments filed on or about January 12, 2015 in the above-captioned dockets.

digital, a result that would be contrary to the Commission’s policies and substantial efforts to ensure an expedited and successful transition.² Thus, regardless of how the Commission decides the other issues raised in the *Notice*, it is time for the Commission to free manufacturers and consumers from the unjustified costs of a mandate to include outdated, superfluous technology. In addition, as a practical matter, there is no meaningful consumer demand to justify imposition of labeling and customer education requirements. Indeed, for most consumers, the phase-out of analog tuners will be completely irrelevant and may go entirely unnoticed.

I. THE RECORD FULLY SUPPORTS ELIMINATION OF THE ANALOG TUNER REQUIREMENT

Commenters confirm that it is time to revise Section 15.117(b) of the Commission’s rules to eliminate any possible interpretation that the rule obligates manufacturers to integrate analog tuners in TV receivers.³ This action is in no way, as one commenter suggests, “premature[.]”⁴ All full-power TV stations transitioned to digital operations long ago, and, even if the Commission briefly extends the deadline for LPTV and TV translator stations, continued analog operations by a minority of low-power stations will be merely temporary.⁵ Moreover, any extension of the transition deadline is not intended to breathe new life into analog broadcasting. The Commission therefore should focus on encouraging the transition, rather than tacitly facilitating delays by continuing to require that analog tuners (which, at this point, would be used

² *Id.* at 12540 ¶ 8.

³ *See, e.g.*, LPTV Spectrum Rights Coalition Comments at 14 (“LPTV Coalition Comments”); Consumer Electronics Association Comments at 2-5 (“CEA Comments”); EchoStar Technologies L.L.C. Comments at 2-4 (“EchoStar Comments”); VIZIO, Inc. Comments at 1-3 (“VIZIO Comments”); Funai Electric Co. LTD Notice of *Ex Parte*, ET Docket No. 14-175 et al. (filed Jan. 23, 2015) (“Funai Jan. 23rd *Ex Parte*”).

⁴ Public Broadcasting Service, Corporation for Public Broadcasting, and Association of Public Television Stations Comments at 4 (“PBS/CPB/APTS Comments”); *contra* LPTV Coalition Comments at 14.

⁵ CEA Comments at 4-5.

only to access the over-the-air signals of the LPTV and TV translator stations that have not yet transitioned) be widely available in new equipment.

In any event, for as long as any stations continue to broadcast in analog, existing devices in viewers' homes can provide over-the-air access to these few remaining NTSC signals.⁶ Thus, the Commission can eliminate the analog tuner requirement without frustrating the purpose of the rule or causing any disruption to viewers.⁷

Importantly, eliminating the analog tuner requirement will benefit consumers and innovation by reducing costs and removing constraints on product design and functionality. Specifically, without the mandate, receivers would be less bulky and more energy efficient.⁸ They also would be less expensive: EchoStar estimates that retail prices for equipment could decrease as much as \$20-30 per device without analog tuners,⁹ and VIZIO describes the cost of the analog tuner requirement, including the necessary intellectual property, as "quite significant."¹⁰

There simply is no reason for the Commission to require manufacturers to make equipment with analog tuners available until closer to the time of the new LPTV and TV translator digital transition deadline, if such deadline is extended. Continuation of the mandate would not serve the public interest.¹¹ Rather, it would directly contravene the public interest by

⁶ *See id.* at 7; EchoStar Comments at 4; VIZIO Comments at 3. In fact, once the mandate is removed, product development cycles will mean that virtually all TV stations, except for a small minority of LPTV and TV translator stations, will be digital by the time first-generation digital-only devices reach market. CEA Comments at 7; VIZIO Comments at 2.

⁷ *Contra* PBS, CPB, and APTS Comments at 9-10.

⁸ EchoStar Comments at 3; Funai Jan. 23rd *Ex Parte* at 1.

⁹ EchoStar Comments at 3.

¹⁰ VIZIO Comments at 3.

¹¹ PBS, CPB, and APTS Comments at 9.

disincentivizing LPTV and translator licensees from the rapid transition to digital the Commission consistently has sought.¹²

II. THERE IS NO CONSUMER DEMAND TO WARRANT LABELING OR EDUCATION REQUIREMENTS ON MANUFACTURERS

Most TV viewers in the United States are not relying on analog over-the-air tuners and thus will not be affected by a phase-out of analog tuners as current stock is sold and, ultimately, replaced with digital-only receivers.¹³ The Commission therefore should not impose marketing, labeling, or education requirements on manufacturers and importers that market digital-only equipment prior to the LPTV and TV translator digital transition deadline.¹⁴ As a general matter, labeling regimes, although well-intentioned, add unnecessary cost and complexity. Here, the burdens on manufacturers are truly unnecessary because of the limited practical effect of a rule change on consumers. There is no demonstrated problem, nor is one likely to arise. As noted above, and in the record, by the time first-generation digital-only devices come to market, “the period of overlap during which digital-only equipment will be available to the public while limited analog broadcasts are simultaneously still available will be minimal.”¹⁵ In addition, consumers who purchase new equipment between now and the LPTV/TV translator digital transition are more likely to be purchasing sophisticated viewing equipment, rather than relying on the type of over-the-air receivers that would be required to be labeled.

In any event, manufacturers already have every incentive to ensure that consumers are well informed about the capabilities of the products they purchase, given that misinformed consumers can easily lead to disappointed purchasers and product returns. The retail

¹² See *Notice*, 29 FCC Rcd at 12540 ¶ 8.

¹³ See LPTV Coalition Comments at 14.

¹⁴ See, e.g., VIZIO Comments at 4.

¹⁵ *Id.*

marketplace is sufficient – and better positioned than a federally dictated labeling regime – to ensure that consumers know what they are purchasing.¹⁶ Indeed, labeling receivers without analog tuners could actually create consumer confusion, since the vast majority of viewers do not rely on over-the-air TV signals, and of those who do, many rely only on digital over-the-air broadcasts. Most consumers understand that all full-power TV stations transitioned to digital more than five years ago and likely believe the same is true for all TV broadcast stations.¹⁷ The phase-out of analog tuners may well go widely unnoticed; yet if labels are required, consumers may become confused, unsure of what is occurring, and unclear on whether and how it affects them.

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¹⁶ *See, e.g.*, CEA Reply Comments, MB Docket Nos. 12-107 and 12-108, at 7-8 (filed Mar. 20, 2014).

¹⁷ VIZIO Comments at 4-5.

III. CONCLUSION

The Commission should act consistently with its proposal and the record to eliminate the analog tuner requirement, and it should refrain from imposing labeling and education requirements on manufacturers that would be at best unnecessary, and at worst, more confusing than helpful.

Respectfully submitted,

CONSUMER ELECTRONICS
ASSOCIATION

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February 2, 2015