

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
Promoting Innovation and Competition in the ) MB Docket No. 14-261  
Provision of Multichannel Video Programming )  
Distribution Services )

**COMMENTS OF SUPERCLOUD, INC.**

Supercloud, Inc. (“Supercloud”) submits these comments to the Commission’s Notice of Proposed Rulemaking in the above referenced docket (“Notice”). Supercloud is a cloud-based online video distributor that streams multiple channels of live linear programming over connected devices without the consumer having to download a native application (“app”) to any of its devices, including over the set top box. Through its portal, Supercloud can stream live linear programming simultaneously over 300 channels to over 100 million simultaneously connected devices worldwide. Supercloud, accordingly, welcomes the Commission’s initiative to expand the program access protections to online “video distributors of multiple video programming streams, including Internet-based services” (Notice ¶(6)).

In light of concurrent national goals, Supercloud believes there should be some form of opt-out or opt-in feature for multiple stream distributors that do not desire to carry cable-attributed terrestrial or satellite-delivered cable or broadcast programming. In terms of the National Broadband Plan, video programming distribution is a huge driver of demand to foster broadband deployment. Imposing MVPD regulatory status where the putative regulatee is not availing itself of the purpose of such status imposes superfluous costs on the online multiple stream distributor and on the administrative convenience of the Commission.

There is also the phenomenon of the multi-use cloud platform of which only a portion is used for distributing multiple streams of video programming. Other entertainment features likely include game and music libraries; also there is the enterprise of providing single channel video distribution as a service

to the content provider, not necessarily to the online MVPD's customer base. It would seem that in such case, MVPD status would apply only to that part of platform operations pertaining to retail multiple streaming operations of the branded party offering the service; neither the platform nor separate single-channel distributors over the platform should be aggregated into an MVPD. To opt-in, the online MVPD should be permitted to file a complaint along with a showing that, going forward, it has met the FCC's MVPD obligations as to be determined in this proceeding.

Supercloud agrees that MVPD status should not be incurred by streaming video-on-demand and pay-per-view content. See Notice at ¶¶13-14. Further, the carriage rules should not apply to non cable attributed distributors of online multiple video streams that do not choose to avail themselves of MVPD status. For online linear programming and virtual cable systems to flourish, the distributor must be free to experiment with different models of content acquisition and distribution. It is not unreasonable in all contexts to venture with a programmer. The carriage rules are more applicable to incumbent (facilities based) MVPDs whose practices gave rise to the carriage rules in the first instance.

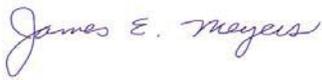
Supercloud does not agree with the Commission's tentative conclusions with respect to extending separate, non-cable MVPD status to cable operators' multiple streaming operations within their service areas. See Notice at ¶78. If a cable operator makes its linear programming available online to its bundled broadband and cable customer, then such online streams are cable service and are part of the cable operator's general cable business. If the cable operator chooses to multiple stream linear programming to its unbundled broadband customer in its service area, such also should remain cable service, e.g., the customer's household receives the programming over the cable (DOCSIS) system facilities, managed by the cable operator.

In the context of unbundled cable broadband customer acquisition, the cable operator likewise has the headstar advantage within its service area of migrating to online its cable programming services under its existing affiliation agreements -- as an MVPD (cable or online). By retaining cable service status instead of an "MVPD-light" status for cable operators (at least with respect to programming migrated from the subscriber network and in all cases with full applicability of the carriage rules) avoids

circumvention of section 628 purposes and goals. “MVPD-light” treatment of cable-attributed online operations poses to non-attributed online MVPDs concerns parallel to those posed to non-attributed video programming service vendors in the program access context. Precluding “MVPD-light” for cable system operators, at least at the outset, preserves status quo disincentives while allowing the Commission to consider the video marketplace in the broader context of section 628.

Respectfully submitted,

SUPERCLOUD, INC.

By:   
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James E. Meyers  
Its Counsel

Law Office of James E. Meyers, P.C.  
4884 MacArthur Boulevard, N.W.  
7 Terrace Level  
Washington DC 20007

202.232.2900  
202.232.2912 (Fax)

[jemeyers@boo.net](mailto:jemeyers@boo.net)

