

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
EchoStar Technologies L.L.C.)	MB Docket No. 15-47
)	
Petition for Waiver of Section 15.117(b) of the)	
Commission's Rules)	

**COMMENTS OF
THE CONSUMER ELECTRONICS ASSOCIATION
SUPPORTING ECHOSTAR TECHNOLOGIES L.L.C.'S
PETITION FOR WAIVER**

The Consumer Electronics Association (“CEA”)¹ supports grant of the petition for waiver by EchoStar Technologies L.L.C. (“EchoStar”) of Section 15.117(b) of the Federal Communications Commission’s (“FCC” or “Commission”) rules to permit EchoStar to sell in the United States a new model of “SlingLoaded” high-definition, Internet-enabled, digital video recorder (“SlingLoaded DVR”) that does not include an analog over-the-air tuner.² Grant of the Petition would substantially benefit consumers.³ Digital-only devices are more cost effective,

¹ CEA is the principal U.S. trade association of the consumer electronics and information technologies industries. CEA’s more than 2,000 member companies lead the consumer electronics industry in the development, manufacturing, and distribution of audio, video, mobile electronics, communications, information technology, multimedia, and accessory products, as well as related services, that are sold through consumer channels. Ranging from giant multinational corporations to specialty niche companies, CEA members cumulatively generate more than \$223 billion in annual factory sales and employ tens of thousands of people in the United States.

² Petition for Waiver, EchoStar Technologies L.L.C., MB Docket No. 15-47 (filed Feb. 13, 2015) (“Petition”).

³ See CEA Comments, ET Docket No. 14-175 et al. (filed Jan. 12, 2015) (“CEA Comments”); CEA Reply Comments, ET Docket No. 14-175 et al. (filed Feb. 2, 2015) (“CEA Reply Comments”).

energy efficient, and physically smaller than devices with both digital and analog tuners.⁴

Moreover, these benefits strongly outweigh any negative effect on consumers because there are few analog broadcast stations left, and those that remain must transition to digital broadcasting before the end of this year.

Device manufacturers currently are designing the next generation of TV receiver products for sale later this year, as evidenced by EchoStar's Petition, and the similar petition filed by Funai Electric Co., Ltd.⁵ Their petitions reinforce the need to act quickly to eliminate the analog tuner requirement for all manufacturers.⁶ Quick action will permit manufacturers to offer more innovative, efficient receiver products to consumers around the same time that Class A stations transition to digital-only broadcasts, while only a minority of analog LPTV and TV translator stations will remain.⁷ In contrast, delaying elimination of the rule will result in manufacturers incorporating largely redundant analog tuners into the next generation of their products.

I. ECHOSTAR'S PETITION IS CONSISTENT WITH THE FCC'S PREVIOUS WAIVERS AND THE RECORD IN THE ANALOG TUNER NPRM

The record strongly supports grant of EchoStar's Petition. EchoStar requests that the Media Bureau ("Bureau") waive the analog tuner requirement for a new model of its SlingLoaded DVR.⁸ Similar petitions were granted by the Bureau in the past, which agreed that

⁴ CEA Comments at 5; CEA Reply Comments at 3.

⁵ Petition for Waiver, Funai Electric Co., Ltd., MB Docket No. 15-42 (filed Feb. 6, 2015) ("Funai Petition").

⁶ *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, 12556 ¶ 54 (2014) ("*Analog Tuner NPRM*").

⁷ *Id.* at 12556-57 ¶¶ 54-55 and 12538 n.6.

⁸ Petition at 1.

consumers would benefit from enhanced choice and the cost, energy, and size savings that accrue from removing analog tuner components.⁹ This makes sense because fewer components means fewer materials and reduced design complexity. For instance, the Bureau noted TiVo’s explanation that “including ‘analog [broadcast and cable] functionality increases the retail price of each device by between \$100 and \$150 depending on the model.’”¹⁰ The Bureau also cited EchoStar’s previous statement that “requiring an analog tuner would increase the retail price by \$20 to \$30 per device, the size of the devices by up to 33 percent, and the energy consumption of the devices by 2 watts, all without a marked benefit for consumers.”¹¹

Multiple commenters recently confirmed in the *Analog Tuner NPRM* that the Bureau’s conclusions remain valid.¹² For example, VIZIO, Inc. stated that “[t]he cost of the analog tuner requirement...is quite significant and outweighs any limited remaining benefit from the requirement.”¹³ Thus, the burdens of integrating analog tuners into TV receivers have not changed, while the number of consumers relying on analog broadcasts shrinks—conditions that strongly favor eliminating the rule.

⁹ *EchoStar Technologies L.L.C.*, Memorandum Opinion and Order, 28 FCC Rcd 14000, 14003-04 ¶ 6 (MB 2013) (“*EchoStar Waiver Order*”); *TiVo, Inc.*, Memorandum Opinion and Order, 28 FCC Rcd 12181, 12185-86 ¶ 7 (MB 2013) (“*TiVo Waiver Order*”); *Dell Inc. and LG Electronics USA, Inc.*, Order, 25 FCC Rcd 9172, 9177 ¶ 11 (MB 2010). *See also Analog Tuner NPRM*, 29 FCC Rcd at 12556-57 ¶ 56.

¹⁰ *TiVo Waiver Order*, 28 FCC Rcd at 12185-86 ¶ 7 (quoting TiVo Inc., Petition for Waiver, MB Docket No. 11-105, at 7 (filed Feb. 4, 2013)).

¹¹ *EchoStar Waiver Order*, 28 FCC Rcd 14004 ¶ 6 (citing EchoStar Technologies L.L.C., Petition for Waiver, MB Docket No. 13-177, at 3, 6 (filed June 21, 2013)).

¹² *See, e.g.*, CEA Comments at 2-5; LPTV Spectrum Rights Coalition Comments at 14, ET Docket No. 14-175 et al. (filed Jan. 15, 2015); EchoStar Technologies L.L.C. Comments at 2-4, ET Docket No. 14-175 et al. (filed Jan. 12, 2015); VIZIO, Inc. Comments at 1-3, ET Docket No. 14-175 et al. (filed Jan. 12, 2015) (“VIZIO Comments”); Funai Electric Co. Ltd. Notice of *Ex Parte*, ET Docket No. 14-175 et al. (filed Jan. 23, 2015).

¹³ VIZIO Comments at 3.

EchoStar's Petition should be granted because it is consistent with the facts and circumstances of the Bureau's previous waivers and the record in the *Analog Tuner NPRM*. EchoStar cites the same cost, weight, energy, and environmental savings described by the Commission and commenters in those proceedings.¹⁴ It also confirms that the target market for the SlingLoaded DVR would be less affected by the availability of a digital-only device.¹⁵

Furthermore, grant of the Petition would have—at most—a *de minimis* effect on consumers because those who wish to access analog signals over the air will be able to rely on an existing market of devices equipped with analog tuners for that purpose.¹⁶ Only a small number of consumers rely on over-the-air reception to view local broadcast channels.¹⁷ All TV broadcast stations either have transitioned, or will soon transition, to digital broadcasts.¹⁸ And, as the Commission previously recognized in the *TiVo* and *EchoStar Waiver Orders*, consumers may still rely on the television itself to receive analog broadcasts.¹⁹ Given the numerous advantages of digital-only TV receivers, and the rapidly diminishing need for analog tuners to access TV broadcasts, the Bureau should grant the Petition.

II. THE ECHOSTAR AND FUNAI PETITIONS REINFORCE THE NEED TO ACT QUICKLY TO ELIMINATE THE ANALOG TUNER REQUIREMENT

The Commission should act quickly to eliminate the analog tuner requirement for all manufacturers. This Petition, and the Funai Petition, are evidence that device manufacturers want to offer consumers the benefits of digital-only devices in upcoming product lines. Eliminating

¹⁴ Petition at 5.

¹⁵ *Id.* at 6.

¹⁶ CEA Comments at 7.

¹⁷ *TiVo Waiver Order*, 28 FCC Rcd at 12185 n.31.

¹⁸ *Analog Tuner NPRM*, 29 FCC Rcd at 12557 ¶ 54.

¹⁹ *TiVo Waiver Order*, 28 FCC Rcd at 12186 ¶ 8; *EchoStar Waiver Order*, 28 FCC Rcd 14005 ¶ 7. EchoStar's SlingLoaded DVR is separate from the television set. Petition at 4-5.

the requirement would also alleviate market uncertainty, permitting manufacturers to introduce innovative, lower-cost, and energy-saving devices in the same timeframe that the remaining analog TV broadcasters have to fully transition to digital broadcasts.²⁰ On the other hand, delays could result in a generation of devices with vestigial analog tuners as manufacturers comply with a rule that no longer matches market realities.

III. CONCLUSION

The Commission should grant the Petition based on the foregoing arguments.

Respectfully submitted,

CONSUMER ELECTRONICS
ASSOCIATION

By: /s/ Julie M. Kearney

Julie M. Kearney
Vice President, Regulatory Affairs
Alexander B. Reynolds
Senior Manager & Regulatory Counsel
Consumer Electronics Association
1919 S. Eads Street
Arlington, VA 22202
(703) 907-7644

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²⁰ See CEA Comments at 2-7.