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*Congress of the United States
House of Representatives
Washington, D.C. 20515*

Received & Inspected

JUL 13 2015

FCC Mail Room

*MB
Competition
Media
Ownership*

*Anna G. Eshoo
Eighteenth District
California*

July 8, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler,

As you know, nearly 20 years ago Section 629 of the Communications Act required the FCC to establish rules ensuring consumers could buy cable set-top boxes from someone other than their local cable company. This pro-competitive law paved the way for innovative companies like TiVo and Hauppauge, and remains just as important today.

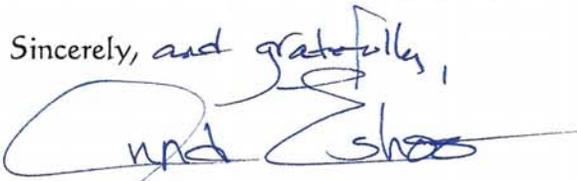
In implementing Section 629, the FCC established a CableCARD-based "integration ban," ensuring that companies selling set-top boxes or other navigation devices through retailers have access to the security technology necessary to provide consumers with the same features and functionality that are available through a cable operator's leased set-top box (otherwise known as "common reliance.")

Last year, as part of the STELA Reauthorization Act of 2014 (STELAR), Section 106 set in motion a repeal of the integration ban and with it, the establishment of a stakeholder working group aimed at finding a successor solution. While repeal of the integration ban was not my preferred outcome, the carefully crafted compromise delayed repeal of the ban by one year and preserved the obligation to promote the competitive availability of set-top boxes under Section 629.

It is critical that the Commission not ignore its mandate under Section 106 of STELAR and 629 of the Communications Act. Downloadable security alone will not assure the commercial availability of equipment used by consumers to access multichannel video programming because security is only one component of device compatibility. For a retail device to be able to access programming, the device needs information such as the programming it is receiving, how to select the programming it is receiving, and the format of the programming it is receiving. This is consistent with Section 106 which explicitly tasks the working group with recommending a "technology- and platform-neutral software-based downloadable security system designed to promote the competitive availability of navigation devices in furtherance of section 629."

The Commission must not lose sight of the mandate Congress established under Section 629 and that is to give consumers an alternative to having to rent a set-top box from their local cable company every month. I therefore encourage you to seek input on the entire system as the statutory language directs, rather than just elements of downloadable security that do not, on their own, further Section 629.

Thank you for your leadership and commitment to advancing greater competition, innovation, and consumer choice in the set-top box market.

Sincerely, and gratefully,


Anna G. Eshoo, Ranking Member
Subcommittee on Communications and Technology
Energy and Commerce Committee

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 11, 2015

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter about competitive availability of cable set-top boxes and other equipment used to access multichannel video programming services.

As you note in your letter, Section 106(d) of the STELA Reauthorization Act of 2014 (“STELAR”) directed the FCC to establish a working group to “identify, report, and recommend performance objectives, technical capabilities, and technical standards of a not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system designed to promote the competitive availability of navigation devices in furtherance of section 629 of the Communications Act of 1934.” I established DSTAC to meet this statutory directive, and have asked the Committee to include in its report how to meet the obligations of both section 629 of the Communications Act, as the umbrella statutory mandate, and section 106 of STELAR.

DSTAC has been moving full-steam ahead – holding six full, public committee meetings since it was formed and holding working group meetings four days per week. FCC staff is working to keep DSTAC on task to complete the required report to the Commission by September 4, 2015. All DSTAC meetings are public, and any non-members can make comments at those public meetings, including about the issues you raise in your letter.

I appreciate your interest in this matter and your tireless efforts to encourage competition, innovation, and consumer choice in the set-top box market. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wheeler".

Tom Wheeler