



September 1, 2015

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services; MB Docket No. 14-261

Dear Ms. Dortch:

The National Association of Telecommunications Officers and Advisors (“NATOA”) agrees with those that assert the Commission should first resolve a number of outstanding issues before proceeding with its efforts to expand MVPD classification to include certain online video distributors (“OVDs”). Among these issues is a review of the Commission’s program access rules; a resolution of the “good faith” negotiation standard for retransmission consent; and a full review of the technical challenges faced by OVDs that may impact their ability to comply with closed captioning rules, emergency alert requirements, and so on.¹ We believe it is important that the Commission first establish the “rules of the game” before deciding who’s eligible to play.

We also write to voice our concern with those that assert that MVPD classification should be voluntary or optional for OVDs.² This “we’ll play if we like the rules” attitude underscores why NATOA urged in its earlier comments that any benefits flowing from MVPD classification should be paired with any regulatory obligations that affect the consumer’s viewing experience, such as closed captioning, video description, and accessible user interfaces, guides and menus. The goals of increased competition and more consumer choice would be hindered if these new services are not subject to the mandates that apply to established providers that serve to protect and improve the viewing experience for many Americans.

Finally, considering that one of the Commission’s goals in moving forward with this proceeding was to encourage innovation and competition, we find it ironic – though not surprising – that a number of OVDs have argued for *no* regulation at all. If, indeed, “vigorous competition is already flourishing not only among traditional facilities based MVPDs but also among online

¹ Letter from Monica S. Desai, Counsel to YipTV, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-261, at 3 (filed August 17, 2015).

² The Wireless Internet Service Providers Association Comments, MB Docket No. 14-261, at 3.

Ms. Marlene H. Dortch
September 1, 2015
Page 2

providers of video programming,” we agree “that there are no sound public policy rationales . . . for classifying OVDs as MVPDs.”³

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Traylor". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Stephen Traylor
Executive Director/General Counsel

³ Letter from Michael S. Schooler, NCTA, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-261, at 2 (filed July 31, 2015).