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November 5, 2015

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

**Re: Notice of *Ex Parte* Presentations in MB Docket Nos. 15-64 and
14-261**

Dear Ms. Dortch:

On September 3, Bradley Beale, Vice President for Content Acquisition; Christine Enemark, Associate General Counsel, Digital; Brian Huseman, Director, Public Policy; and Sarah Hudgins, Senior Manager, Public Policy, of Amazon.com Inc.; and the undersigned, its counsel, met separately with Phil Verveer and Jessica Almond of Chairman Wheeler's office; Valery Galasso of Commissioner Rosenworcel's office; and Bill Lake, Michelle Carey, Mary Beth Murphy, Nancy Murphy, Scott Jordan, Alison Neplokh, Lyle Elder, and Brendan Murray with the Media Bureau. Messrs. Beale and Waldron and Mss. Enemark and Hudgins met separately with Robin Colwell of Commissioner O'Rielly's office and Holly Sauer with Commissioner Clyburn's office.

During the meetings, the parties discussed the Commission's pending proceeding to alter the definition of "multichannel video programming distributor" ("MVPD"). We explained that competition and innovation in all sectors of the video content and distribution industry, including "over the top" ("OTT") services, today is vibrant and growing, with many companies offering content through multiple devices and delivery technologies and investing in high-quality programming, all to the benefit of consumers. We discussed how this investment in new, creative, and award-winning content by multiple companies, which is attracting a large and growing viewership, is occurring naturally in the marketplace, with little or no government involvement. In view of this dynamic, healthy, and rapidly changing technological and competitive environment, we questioned the need for government intervention in this market segment, expressing concern that the rules proposed by the Commission would inhibit innovation by imposing on OTT services regulatory burdens created long ago that are neither relevant to nor tailored to address this new vibrant industry, without any of the competitive benefits (including the attendant statutory copyright licensing) that were envisioned when the rules were originally drafted decades ago.

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We also cautioned the Commission to be mindful of potential unintended consequences arising from an expanded definition of MVPD. For instance, Amazon owns Twitch.tv, a live streaming video service focused on video gaming and e-sports broadcast that today is the largest source of online live streaming content. Content on Twitch can be viewed live (*i.e.*, on a linear basis) or on demand. We raised the question whether Twitch could be considered a “channel” under the Commission’s proposed rule, thereby making Amazon an MVPD subject to program access regulation. If so, we noted how such unintended consequences could be highly damaging, inadvertently causing the government to significantly distort a new and alternative video segment that is growing and flourishing without any government intervention.

The parties also discussed the final report from the Downloadable Security Technical Advisory Committee (DSTAC), and noted the consensus view emerging from that process that downloadable security is achievable as a technical matter and so presents a policy question to the Commission. The parties also noted that the Commission should consider the interplay between these two proceedings.

Please direct any questions to the undersigned.

Sincerely,

/s/Gerard J. Waldron
Gerard J. Waldron
Counsel to Amazon.com Inc.

cc: Meeting attendees