United States Senate
WASHINGTON, DC 20510

November 9, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

We are writing to urge the Federal Communications Commission (FCC) to address the future of competition in the marketplace for video set top boxes, which millions of Americans use to access television programming. According to information received from the top 10 multichannel video programming distributors (MVPDs), these providers annually charge consumers nearly $20 billion in rental fees for set top boxes. Almost all MVPD customers rent these video boxes from their provider, and each American household spends on average $232 per year on video box rental fees alone. We believe the time has arrived for the FCC to enable millions of Americans to access an enormous amount of content in innovative, new, and less costly ways.

Congress intended to provide Americans with choices when it passed the Telecommunications Act of 1996. The law instructed the FCC to ensure the commercial availability of equipment capable of accessing video programming. Section 629 of the Act succeeded in spurring an entirely new way to record video with DVR becoming as ubiquitous today as VCR was in the 1990s. However, at a time when smartphones, personal computers and tablets have revolutionized the way Americans go about their daily lives and conduct business, set top boxes have lagged behind, leaving this potential partially unfulfilled. Besides promoting innovation, Congress also intended to unleash a future in which consumers had many video box choices, irrespective of their pay-TV provider. Unfortunately, consumers today enjoy little choice but to lease a box from their MVPD.

Last year, Congress passed the Satellite Television Extension and Localism Act Reauthorization (STELAR), which repealed the integration ban that requires MVPDs to honor consumers' ability to use their own set top boxes. At the same time, STELAR also recognized the need to develop a new standard to promote a competitive set top box retail market. The law established a working group to recommend technical capabilities and standards for a software-based downloadable security system that could replace CableCARD, the current way for consumers to use a set top box other than one leased from their MVPD. We applaud the swiftness with which the Commission formed the working group, which has now submitted its final report.

We call on the Commission to move as quickly as possible to initiate a rulemaking that ensures that Americans can use set top boxes of their choice to access MVPD programming. We strongly encourage the Commission to ensure that this replacement technology is cheap, efficient, widely available and easy to use. The goal of this technology should be to usher in a new wave of innovation in the set top box marketplace, giving consumers a greater number of cheaper options to buy their own set top boxes. Without strong FCC action, consumers may be

left with no choice but to rent set top boxes from their MVPD providers in perpetuity, which is akin to the days when consumers had no choice but to rent their rotary dial telephone from the telephone company.

Please provide us with a written response by December 4, 2015, about your plans to boost the competitive set top box marketplace and improve consumer choice. Thank you for your consideration of this important issue, and we look forward to your response.

Sincerely,

Edward J. Markey
United States Senator

Bernard Sanders
United States Senator

Richard Blumenthal
United States Senator

Ron Wyden
United States Senator

Al Franken
United States Senator

Maria Cantwell
United States Senator

Cory A. Booker
United States Senator

Elizabeth Warren
United States Senator

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Richard Blumenthal
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

As you mentioned, the DSTAC submitted its final report to the Commission on August 28, 2015, and the Media Bureau sought comment on that report via Public Notice on August 31, 2015, with comments and reply comments due on October 8, 2015, and November 9, 2015, respectively. The record reflects two conflicting views: consumer electronics manufacturers and public interest groups generally advocate that we adopt new rules to ensure a competitive marketplace for retail set-top boxes, and cable and satellite commenters maintain that the marketplace is functioning well and that no new rules are necessary. Commission staff continues to review the record and will soon be recommending appropriate next steps. I can assure you that realizing Congress's goals laid out in Section 629 is one of my highest priorities, and I hope the Commission will be able to act on the Bureau's recommendations expeditiously.

I appreciate your interest in this matter and your letter will be placed in the record of this proceeding. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Cory Booker
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Maria Cantwell
United States Senate
311 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Cantwell:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Al Franken
United States Senate
309 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Edward J. Markey
United States Senate
218 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Bernard Sanders
United States Senate
332 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Elizabeth Warren
United States Senate
C2 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Ron Wyden
United States Senate
223 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter urging the Commission to act swiftly to initiate a rulemaking on the heels of the report from the Downloadable Security Technical Advisory Committee (DSTAC) to ensure that Americans can use set-top boxes of their choice to view MVPD programming. Your views are very important and will be considered as part of the Commission's review.

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