



1200 G STREET, NW, SUITE 350 PH: 202.296.6650  
WASHINGTON, DC 20005 FX: 202.296.7585

**Via Electronic Filing**

December 14, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Re: Media Bureau Request for Comment on DSTAC Report, MB Dkt. No. 15-64**

Dear Ms. Dortch:

On December 10, 2015, the Consumer Video Choice Coalition<sup>1</sup> (the “Coalition”) hosted FCC staff identified in Appendix A to a technical demonstration of the competitive navigation device solution described in the Downloadable Security Technical Advisory Council’s Working Group 4 Report.<sup>2</sup>

Consumers are demanding lower cost video options and the freedom to access new streaming over-the-top content. The demonstration by the Coalition proved that competition holds the technology solution for ending the era of forced set top box leasing from large incumbent MVPDs.

Using off-the-shelf equipment and open standards, the Coalition demonstrated how the competitive navigation device solution is technically capable of offering consumers linear

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<sup>1</sup> The Coalition is comprised of Ceton Corp., Common Cause, Computer & Communications Industry Association, Consumer Action, Google Inc., Hauppauge, INCOMPAS, New America’s Open Technology Institute, Public Knowledge, Siliconut USA, Inc., VIZIO, and Writers Guild of America, West. The individual members of the Coalition who participated and/or attended the technical demonstration are identified in Appendix B.

<sup>2</sup> See generally Final Report, Report of Working Group 4 to DSTAC at 180-194 (Aug. 28, 2015) (“WG4 Report”), available at <https://transition.fcc.gov/dstac/wg4-final-report.docx> (detailing the competitive navigation device solution proposal).

content from the MVPD to which they subscribe, along with their over-the-top content of choice, in a seamless manner with third-party navigation devices.

This “live” demonstration used licensed video feeds from two different MVPDs. Different devices with distinct user interfaces and program guides displayed linear video feeds and metadata from the same MVPD, showing how the same virtual head-end is compatible with multiple devices. The demonstration also showed how a single device could display content from different MVPDs, illustrating how competitive devices could be portable between MVPDs.

The demonstration made clear that the competitive navigation device solution does not alter MVPD linear content or advertising. Furthermore, the competitive navigation device solution allows consumers to access fully the programming offerings to which they subscribe from their MVPD. Channel placement is unchanged. Emergency alerts function properly via the competitive navigation device solution so that public safety messages are received by viewers. Likewise, closed-captioning is timely and fully relayed, and customizable parental controls are made available.

The Coalition also explained that MVPDs would support third-party devices in numerous ways, and that such support would not require that customers install extra boxes or set-top equipment in their homes. Nor would the competitive navigation device proposal require that MVPDs change anything with respect to customers who continue to lease navigation devices directly from their MVPD. Additionally, the Coalition pointed out that many existing devices already would be compatible with the competitive navigation device proposal. After implementation, users could access MVPD content on existing IP-enabled devices, including tablets, allowing viewers to access MVPD content without any extra “box” at all.

Accordingly, the Coalition urged the Commission staff to move forward expeditiously with a Notice of Proposed Rulemaking (“NPRM”) to fully consider adopting the competitive navigation device solution. With adoption of the competitive navigation device solution, consumers would have the option to purchase their own chosen navigation devices at retail at costs lower than the current typical annual rental price offered by MVPDs, which average more than \$200 per subscriber household. Moreover, consumers would have flexibility to choose user interfaces that best suit their needs, and consumers would be able to more easily access the over-the-top content of their choice without having to switch between devices. As a result, consumers would have a better viewing experience, and independent programmers that have been unable to gain access to MVPD platforms would have an opportunity to gain viewership by offering programming directly to consumers as an over-the-top product on equal footing with traditional cable programming.<sup>3</sup>

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<sup>3</sup> As long as large incumbent MVPDs control the development and distribution of navigation devices, they have the incentive and abilities to deter consumers from accessing independent content that competes with MVPD service offerings over set-top boxes and televisions. However, with a robust, competitive marketplace for video navigation devices where consumers can easily purchase and install devices, manufacturers would be able to produce devices that can access over-the-top services, apps, and content alongside content received as part of an MVPD subscription. History shows that when consumers have options for

The Commission finally has within its grasp the ability to truly implement Section 629 of the Communications Act as intended, so that consumers have competitive options for navigation devices. The Commission should seize this moment and propose the competitive navigation device solution in an NPRM.

Respectfully submitted,

*/s/Angie Kronenberg*

Angie Kronenberg  
Chief Advocate & General Counsel  
INCOMPAS

cc: FCC Attendees Listed in Appendix A

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consumer electronics that they can attach to the networks they use, innovation and investment flourishes, and consumers greatly benefit.

## Appendix A

### FCC Attendees

Jessica Almond  
Steven Broeckhart  
Michelle Carey  
Mike Dabbs  
Eric Feigenbaum  
Kim Hart  
Scott Jordan  
Brendan Murray  
Mary Beth Murphy  
Gigi Sohn  
Louisa Terrell  
Johanna Thomas  
Jennifer Thompson

Consumer Video Choice Coalition Attendees

John Bergmayer, Public Knowledge  
Kate Forsey, Public Knowledge  
Adam Goldberg, AGP LLC for Public Knowledge  
Alan Hill, INCOMPAS  
John Howes, CCIA  
George Ivanov, Google Inc.  
Jeffrey Kardatzke, Google Inc.  
Angie Kronenberg, INCOMPAS  
Brad Love, Hauppauge  
Milo Medin, Google Inc.  
Daniel O'Connor, CCIA  
Chip Pickering, INCOMPAS  
Staci Pies, Google Inc.  
Ken Plotkin, Hauppauge  
Austin Schlick, Google Inc.  
Robert Schwartz, Constantine Cannon LLP for Hauppauge  
Jeff Sharp, Manitou Media for INCOMPAS  
Johanna Shelton, Google Inc.  
Linda Sherry, Consumer Action  
Megan Anne Stull, Google Inc.