

December 14, 2015

EX PARTE -- FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Promoting Innovation and Competition in the Provision of MVPD Services*, MB Docket No. 14-261;
Public Notice on the Final Report of the Downloadable Security Technology Advisory Committee, MB Docket No. 15-64

Dear Ms. Dortch:

On Thursday, December 10, 2015, Stephen H. Kay and Steven Shannon of Roku, Inc., along with Trey Hanbury and Alexi Maltas of Hogan Lovells US LLP, met in separate meetings with the following individuals: (1) Gigi Sohn and Jessica Almond of the office of Chairman Wheeler; (2) Chanelle Hardy of the office of Commissioner Clyburn; (3) Matthew Berry of the office of Commissioner Pai; (4) Johanna Thomas and Jennifer Thompson of the office of Commissioner Rosenworcel; (5) Robin Colwell of the office of Commissioner O’Rielly; and (6) Bill Lake, Nancy Murphy, Alison Neplokh, Mary Beth Murphy, Steven Broeckaert, Hillary DeNigro, Brendan Murray, Chris Clark, Lyle Elder, Daniel Shiman, and Raphael Sznajder of the Media Bureau, Susan Aaron of the office of General Counsel, and Scott Jordan and Jonathan Levy of the Office of Strategic Planning and Policy Analysis.

At the meetings, Roku explained that its efficient, low-cost software and hardware have enabled it to develop an innovative video platform with over 3,000 apps and to offer devices at affordable price points. Roku also discussed its recent partnerships with a number of television brands to use the Roku platform as the television’s operating system, which gives consumers seamless access to their favorite entertainment, including streaming media available on the Roku platform, and noted that its platform was being used by approximately 7.6 million monthly active accounts as of September 30, 2015. Roku further explained how its open platform and easy-to-use development tools have allowed niche programming to flourish, and enabled local communities, local institutions and other independent content producers to create their own Roku channels.

In addition, Roku described the rapid innovation that characterizes the online video marketplace, both in terms of technological advances and the development of new and emerging business models. Roku expressed its view that, in light of such rapid innovation, the Commission should allow marketplace forces to govern the evolution of online video distribution whenever possible and should take care to avoid implementing regulatory mandates that could inadvertently create obstacles to online video deployment.

For example, the Commission’s proposal to redefine the term “multichannel video programming distributor” to include certain linear online video could create additional regulatory

burdens for online video distributors that could raise costs and potentially create unintended consequences that would inhibit growth and innovation. If the Commission proceeds, it should do so on a voluntary, opt-in basis. Additionally, given the rapid pace of change in the video distribution market, the Commission should be wary of propounding new regulatory mandates for set-top boxes that would explicitly or implicitly lock in any particular technical standard or require specific content-delivery methods.

Please contact the undersigned with any questions.

Sincerely,

Trey Hanbury
Hogan Lovells US LLP
+1-202-637-5534

cc: Gigi Sohn
Jessica Almond
Chanelle Hardy
Matthew Berry
Johanna Thomas
Jennifer Thompson
Robin Colwell
Bill Lake
Nancy Murphy
Alison Neplokh
Mary Beth Murphy
Steven Broeckaert
Hillary DeNigro
Brendan Murray
Chris Clark
Lyle Elder
Daniel Shiman
Raphael Sznajder
Susan Aaron
Scott Jordan
Jonathan Levy