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December 15, 2015

Via Electronic Filing

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

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

Dear Ms. Dortch:

On December 11, 2015, members of the Consumer Video Choice Coalition¹ (the “Coalition”) met with Johanna Thomas and Jennifer Thompson of Commissioner Rosenworcel’s office. In addition to the undersigned, other Coalition members in attendance included Kim Bayliss on behalf of the Coalition, Robert Schwartz on behalf of Hauppauge, Daniel O’Connor and John Howes from CCIA, and Michael Forscey on behalf of the Writers Guild of America, West. Matt Wood from Free Press also joined the aforementioned consumer and competition advocates at this meeting.

The Coalition urged the Commission to move forward expeditiously with a Notice of Proposed Rulemaking proposing the competitive navigation device solution described in the Downloadable Security Technical Advisory Committee’s Working Group 4 Report.² Pursuant to that solution, consumers will 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 almost \$232 for every subscriber household. Moreover, consumers would have flexibility to choose user interfaces that best suit their needs, and consumers would be able to

¹ 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.

² 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).

more easily access the over-the-top content of their choice without having to switch between program guides or 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.³

As recently demonstrated by the Coalition, the competitive navigation device solution is technically capable of offering consumers linear content from their MVPD of choice, along with their over-the-top content of choice, in a seamless manner with third-party navigation devices. In doing so, the Coalition showed 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 so that public safety messages are received by viewers. Likewise, closed-captioning is timely and fully relayed, and customizable parental controls are made available.

Consumers are demanding lower cost video options and the freedom to access new streaming over-the-top content, and the Coalition has proven that competition holds the technology solution for ending the era of forced set top box leasing from large incumbent MVPDs. The Commission finally has within its grasp the ability to truly implement Section 629 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: Johanna Thomas
Jennifer Thompson

³ 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 consumer electronics that they can attach to the networks they use, innovation and investment flourishes, and consumers greatly benefit.