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January 14, 2016

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

Re: In the Matter of Media Bureau Request for Comment on DSTAC Report, MB Dkt. No. 15-64, CS Docket No. 97-80

Dear Ms. Dortch:

On, January 12, 2016, Ken Plotkin of Hauppauge Computer Works and the undersigned as counsel; Jeffrey Kardatzke and Megan Stull of Google Inc.; John Howes of CCIA; Angie Kronenberg of INCOMPAS; Linda Sherry of Consumer Action; John Bergmayer, Kate Forscey, and Adam Goldberg on behalf of Public Knowledge, and Kim Bayliss of Grayling, all as representatives of the Consumer Video Choice Coalition ("the Coalition participants"), met with FCC staff listed below. The purpose of the meeting was to address Commission questions with respect to the operation of innovative devices in a competitive environment as envisioned in the DSTAC Report[1] and as discussed in the Media Bureau's Public Notice.[2]

The Coalition discussed how the Competitive Navigation Proposal in the DSTAC Report provides a path forward to realizing the competitive goals of Section 629. A virtual headend would convert an MVPD's signal into a form that could be viewed on a competitive navigation device. The virtual headend would not require rearchitecture of MVPD systems: it is simply software that could run on existing equipment in the home, such as a cable modem or satellite receiver box, or could run in the cloud. In all cases, the MVPD would have choices about how to implement the virtual headend on their systems.

Competitive navigation devices could be sold by third parties or leased from MVPDs. These devices would allow a subscriber to see all of the content that they are purchasing from their MVPD, but also could provide the ability to access content from the Internet. Competitive navigation devices could take a variety of potential forms: from a tablet or a smartphone, to a smart TV set or a TV box, to a dongle that attaches to a TV, to something that has not been invented yet.

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[1] The DSTAC Final Report and related material are collected by the Commission at https://www.fcc.gov/about-fcc/advisory-committees/general/downloadable-security-technology-advisory-committee.

[2] *Media Bureau Seeks Comment on DSTAC Report*, MB Docket No. 15-64, Public Notice, DA 15-982 (rel. Aug. 31, 2015).

With respect to licensing obligations of competitive products, the Coalition participants said it is reasonable to expect that a device receiving protected content would comply with obligations equivalent to those set forth in the DFAST license as it currently applies to content received through reliance on a CableCARD. The Coalition participants noted that these obligations, particularly with respect to content protection compliance and product and network robustness, were negotiated as a tradeoff for "encoding rules" to limit the circumstances in which product function could be impaired at a content provider's or distributor's discretion. The Coalition participants noted that both the applications of the protective technologies and of the rules have been uniform and consistent in nature, and that these requirements and rules are carried forward and implemented in any product receiving content under the "DTCP" technology discussed in the DSTAC Report and in later filings. Hence, it is appropriate that these expectations be reflected in any Commission action.

The Coalition participants noted that these DTCP security attributes had been recognized by CableLabs, and that several motion picture studios are licensees and have enforcement rights as third party beneficiaries. The Coalition participants said that multiple modes of protection provide varied points of attack, whereas DTCP provides for in-depth protection, through certificate revocation, updates and renewals, legal enforcement, and migration to newer or more robust versions. The Coalition participants agreed that it is possible and potentially desirable to describe a list of attributes for a protection system that also provides for uniform yet not unduly burdensome operation as required in the STELAR legislation. Based on the DSTAC record and subsequent submissions, however, no present system with such attributes other than DTCP has been identified. Systems based on specific DRMs or conditional access approaches are too limited in scope or scale. In contrast, the present application limits of DTCP reflect contractual agreements based on a particular application rather than any lack of capability or flexibility in the technology.

With respect to whether the virtual headend implementation can achieve consumer performance levels comparable to those implemented in DBS and telco implementations, the Coalition participants said that equal support by MVPDs would achieve equal results – there is no inherent limitation. Similarly, the EAS capabilities of the competitive navigation device solution are of a standard nature, are well documented, and have been demonstrated by the Coalition.[3] The Coalition participants also noted that navigation device providers are also

[3] *See ex parte* letter of Angie Kronenberg, Chief Advocate & General Counsel, INCOMPAS, on behalf of Consumer Video Choice Coalition, Dec. 14, 2015.

subject to state privacy obligations providing consumer protection comparable to that pertaining to MVPDs.

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

Robert S. Schwartz

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Counsel

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