

# CONSTANTINE CANNON LLP

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WASHINGTON | NEW YORK | SAN FRANCISCO | LONDON

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, the undersigned accompanied Ken Plotkin, President of Hauppauge Computer Works, Inc., in meetings with Matthew Berry, Chief of Staff to Commissioner Ajit Pai; Robin Colwell, Chief of Staff and Legal Advisor to Commissioner Mike O’Rielly; and Jennifer Thompson, Confidential Assistant & Special Advisor, and Johanna R. Thomas, Legal Advisor, to Commissioner Jessica Rosenworcel; all with respect to the above entitled matter. In these meetings the Hauppauge representatives urged that the Commission should proceed to a rulemaking based on the record established in the DSTAC Report<sup>1</sup> and in filings in response to the Media Bureau’s Public Notice.<sup>2</sup>

Mr. Plotkin stressed that the ability of firms such as Hauppauge to continue to compete and to offer innovative products in the future will depend on their ability to provide access to video programming with their own user interface.

In these meetings Mr. Plotkin referred to having been present at a demonstration of “Virtual Headend” technology that was prepared and presented by a Hauppauge senior engineer in collaboration with other members of the Consumer Video Choice Coalition.<sup>3</sup> In response to questions he explained that the number and type of devices deploying or supporting a Virtual Headend depends on MVPD implementation choices; that nothing about the technology requires a separate “box” or the use of additional power. He noted that the technologies in question are

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<sup>1</sup> 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>.

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

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

Marlene H. Dortch  
January 14, 2016  
Page 2

well known to both MVPD and consumer industries; the main issue is whether or not they will be configured to support competitive choice of user interface and programming.

In response to questions Mr. Plotkin affirmed that while Hauppauge does not collect user data it is nevertheless subject to privacy obligations, assumed by license, in presenting video content, and noted that Hauppauge products are also subject to obligations under various state laws. With respect to contractual obligations he said that Hauppauge would not object to assuming similar obligations as currently under DFAST in exchange for access rights under a Virtual Headend. If any other obligation can be demonstrated to be necessary, it should respect consumers' fair use rights and expectations, should apply uniformly across service providers (as does DFAST), and should not impair an independent user interface.

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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Cc:  
Matthew Berry  
Robin Colwell  
Jennifer Thompson  
Johanna R. Thomas,