



January 22, 2016

BY ELECTRONIC FILING

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

Re: *MB Docket No. 15-64*

Dear Ms. Dortch:

In the above-captioned proceeding the Commission is weighing initiating a rulemaking to determine whether it is possible to design a “not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system designed to promote the competitive availability of navigation devices.”¹ EchoStar Technologies Corporation and DISH Network Corporation (“EchoStar/DISH”) previously submitted a letter describing some of the many critical issues that remain unaddressed in the discussions to date about implementing any downloadable security solution.²

In response to a request from Commission staff, EchoStar/DISH submit this letter to supplement the record and provide further examples of technical and legal hurdles the Commission must consider should it decide to initiate further action in this proceeding. As EchoStar/DISH discussed in its meeting with Commission staff on Jan. 12, 2016,³ satellite providers would face unique technological challenges in integrating an “Allvid”-like requirement into their networks that would not affect terrestrial MVPDs. EchoStar/DISH urge the Commission to consider the following questions in the event it chooses to move forward in this proceeding:

1. What measures will the Commission adopt to take into account technical limitations and differences between terrestrial MVPDs and satellite systems to avoid imposing an undue burden on satellite systems?

¹ Pub. L. No. 113-200, 128 Stat 2059, § 106(d) (2014).

² Letter from Alison A. Minea, Director & Senior Regulatory Counsel, DISH Network LLC and Jennifer A. Manner, Vice President, Regulatory Affairs, EchoStar Satellite Operating Corporation to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-64 (Dec. 15, 2015).

³ Letter from Jennifer A. Manner, Vice President, Regulatory Affairs, EchoStar Satellite Operating Corporation to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-64 (Jan. 14, 2016).

2. Terrestrial MVPDs have two-way capabilities that could potentially support a cloud-only competitive navigation device; satellite MVPDs do not. How will any new regulation respect the technical limitations of a unidirectional MVPD such as satellite without imposing an undue cost and integration burden on manufacturers of competitive navigation devices?
3. In-home installation by DBS service providers must take into account other services provided into the home and the specific physical characteristics of the structure. How would the Commission account for the unique installation requirements for DBS system-specific equipment that minimize disruption of DBS and other services?
4. Unlike terrestrial MVPDs, DBS providers do not have real-time visibility into customer navigation devices. How would the Commission ensure that consumers have access to technical support when the DBS operator is unable to troubleshoot navigation devices and would have no visibility into the design or operation of such a device?
5. Unlike set-top boxes for terrestrial MVPDs, DBS set-top boxes have to provide all digital rights management (“DRM”) functions that a bidirectional, access-controlled, terrestrial head-end would perform.
 - a. Would the Commission mandate that copyright holders support and allow DRM measures that are located on third-party navigation devices in a consumer’s home? How would the Commission treat contracts that already prohibit certain technologies for certain content in a rapidly evolving marketplace, such as 4K and UHD, which frequently disallow link technologies protection such as DTCP to be used in place of DRM?
 - b. DTCP is already a 15 year old technology. Would the Commission require the industry to accept aging and sub-standard content protection? For how many years?
 - c. What considerations would be needed to be addressed regarding ongoing system renewability? Would all device manufacturers be required to provide support for an FCC-determined DRM standard for the lifetime of all competitive navigation devices on the market at the time the standard is adopted?
6. DBS receivers are designed to be able to operate without an Internet connection, and many DBS customers do not connect their receivers to broadband. How will the Commission ensure that third party devices that rely upon Internet connectivity are able to accept accurate service and program descriptive metadata from an in-home DBS receiver? How will third party navigation devices without an Internet connection receive critical software upgrades?

Please direct any questions concerning this filing to the undersigned.

Sincerely,

/s/

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