

SHEILA JACKSON LEE  
18<sup>TH</sup> DISTRICT, TEXAS

WASHINGTON OFFICE:  
2252 Rayburn Office Building  
Washington, DC 20515  
(202) 225-3816

DISTRICT OFFICE:  
1919 Smith Street, Suite 1180  
Houston, TX 77002  
(713) 655-0050

ACRES HOME OFFICE:  
6719 West Montgomery, Suite 204  
Houston, TX 77091  
(713) 691-4882

HEIGHTS OFFICE:  
420 West 19th Street  
Houston, TX 77008  
(713) 861-4070

FIFTH WARD OFFICE:  
4300 Lyons Ave., Suite 200  
Houston, TX 77020  
(713) 227-7740

Congress of the United States  
House of Representatives  
Washington, DC 20515

1209

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SENIOR WHIP  
DEMOCRATIC CAUCUS

November 12, 2015

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554-0004

Dear Chairman Wheeler:

Innovations in technology are increasing customer access to free television programming that provide more choice, better content and new services which are transforming the consumer experience with video content. Consumers have complained about why they need a set-top box to watch their favorite programming and I have advocated that television broadcast providers and networks produce and carry the kind of diverse programming that represents all of America.

Positive steps have been made and we have been moving toward a vast unencumbered television market on a new level of access that supports a spectrum of program offerings that are in the public interest. These new arrivals are creating app options that were not conceived of before and that support television content streaming over smartphones, computers, ibooks and other mobile technology.

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I am concerned by reports that the FCC is considering a new regulation called All Vid that would jeopardize progress made in providing nearly universal access to no cost broadcast television, raise consumer costs, require consumers to rent another set-top box, threaten diverse programming and erode consumer protections. This would be a disaster for consumers and minority programmers.

Instead of allowing innovators and competitors unfettered ability to continue building on the TV app frontier, All Vid would require consumers to add a government-designed set-top box, resulting in higher bills and higher energy usage. And even worse, while requiring consumers to rent more equipment, it would eliminate consumer protections concerning privacy, emergency alerts, children's programming and more. Consumers would pay more and be protected less.

All Vid may cause irreparable harm to independent and minority programmers by allowing third parties to strip programming from visible channel placements and relegate it to the bottom of the pile. These new entrants would also be allowed to sell intrusive advertising without sharing any revenue with programmers, cutting off the needed revenue to continue producing the diverse quality content that a dynamic video content market has come to expect.

Thank you for your attention to this important matter. I look forward to working with you to ensure that consumer welfare and diversity of voices are not the casualties of an unnecessary tech mandate like All Vid. If you have questions, please contact my Chief of Staff, Glenn Rushing at 202-225-3816 or by email [glenn.rushing@mail.house.gov](mailto:glenn.rushing@mail.house.gov).

Sincerely,

A handwritten signature in blue ink that reads "Sheila Jackson Lee". The signature is fluid and cursive, with the first name "Sheila" being the most prominent.

Sheila Jackson Lee  
MEMBER OF CONGRESS



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

February 19, 2016

The Honorable Sheila Jackson Lee  
U.S. House of Representatives  
2160 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Jackson Lee:

Thank you for your letter concerning issues relating to Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation.

The Commission has a statutory obligation under Section 629 of the Communications Act to assure the commercial availability of navigation devices to consumers from sources other than their traditional video programming providers, like cable, satellite, or telecommunications providers. Section 629 of the Communications Act is explicit: "The Commission shall... adopt regulations to assure the commercial availability, to consumers of multichannel video programming... of converter boxes, interactive communications equipment, and other equipment... from manufacturers, retailers, and other vendors not affiliated with any multichannel video program distributor [emphasis added]." Section 629(b) further provides that such alternatives must be secure. The issue before the Commission is how to obey Section 629 in a world of evolving technology. The lack of choice that consumers have today for set top boxes would appear to be the opposite of the choice inherent in an "app TV" future and contrary to the statutory mandate.

I understand there has been some misinformation that the Commission is currently considering the so called "All-Vid" approach to meeting our obligations under Section 629. I understand your concerns around this approach and can assure you that All-Vid, a 2010 proposal that consumers obtain a separate, additional device in order to access video programming, is not under consideration by the Commission. At the February 18<sup>th</sup> Commission meeting, we issued a Notice of Proposed Rule Making (NPRM) to comply with the statutory requirement of competitive choice for consumers.

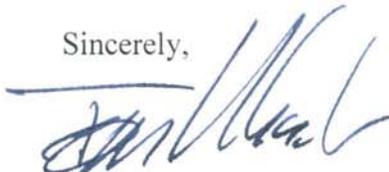
Like all NPRMs, this action opens a fact-finding dialog to build a record upon which to base any final decision.

In order that commenters can avoid wasting time on subjects not under consideration, the NPRM proposed a specific approach to fulfilling the statutory mandate. The new proposed rules would create a framework for providing device manufacturers, software developers and others the information they need to introduce innovative new technologies, while at the same time maintaining strong security, copyright and consumer protections. Nothing in this proposal changes a company's ability to package and price its programming to its subscribers, or requires consumers to purchase new boxes.

I also share your goals that public safety and access to minority programming not be adversely affected. The proposal under consideration includes the critical capabilities to receive emergency alerts, protect privacy and abide by copyright rules. Further, competition in interfaces, search functions, and integration of programming sources can lead customers to have greater ability to access minority and special interest programming. This is about rising increased access and choice to the top of the pile, not the bottom.

As we continue to explore fulfilling the statutory mandate I look forward to continuing to work with you. I can assure you that we are in complete agreement about reducing consumer costs, lowering energy consumption, encouraging innovative programming, and protecting privacy, public safety and children.

Sincerely,



Tom Wheeler