

U. S. House of Representatives
Washington, D. C. 20515

Received & Inspected

FEB 22 2016

FCC Mail Room

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February 16, 2016

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler,

We write to you today regarding the Commission's review of the set-top box market and the future of the video marketplace.

As champions for giving consumers an alternative to renting a set-top box from their pay-TV provider each month, we believe the Commission must preserve competitive choice as required under Section 629 of the Communications Act. Because of the lack of competition in the set-top box space, consumers today are paying on average a whopping \$231 per year on rental fees alone. First and foremost, injecting new competition into the marketplace will save consumers money and pave the way for innovative retail alternatives to set-top boxes leased by pay-TV providers. These rental costs present an even higher burden for so many in minority communities.

In 2014, as part of the STELA Reauthorization Act (STELAR), Section 106 set in motion a repeal of the integration ban and with it, the establishment of a stakeholder working group aimed at finding a successor solution. The carefully crafted compromise which resulted in the creation of the Downloadable Security Technology Advisory Committee (DSTAC), delayed repeal of the ban by one year and preserved the obligation to promote the competitive availability of set-top boxes under Section 629.

As the Commission prepares to vote on the proposal you circulated on January 27th, we urge you to ensure that the agency maintains its statutory obligation to give consumers an alternative to having to rent a set-top box from their pay-TV provider every month. We believe this goal can and should be achieved without reverting to the "AllVid" proposal included in the 2010 National Broadband Plan.

We also understand that some have suggested that Commission action would threaten diverse programming and harm minority voices. We believe competitive alternatives to the rented set-top box will in fact enhance opportunities for independent programmers to reach consumers by improving search functionality and user interfaces.

Finally, while we agree that apps offer consumers another option for watching video programming, they may not necessarily provide the same features and functionality that are available through a pay-TV provider's leased set-top box. We believe the recommendations

contained in the DSTAC report are intended to ensure consumers have the broadest array of competitive options which may include, but should not be limited to apps. Ultimately a level playing field will enable competitors to innovate and give consumers the power to choose how to best access their favorite video programming.

Thank you for your leadership and commitment to advance a solution that promotes greater competition, consumer choice and innovation.

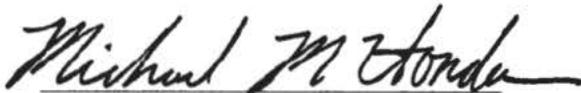
Sincerely,



Anna G. Eshoo
Member of Congress



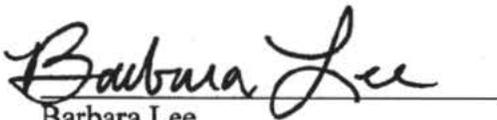
Zoe Lofgren
Member of Congress



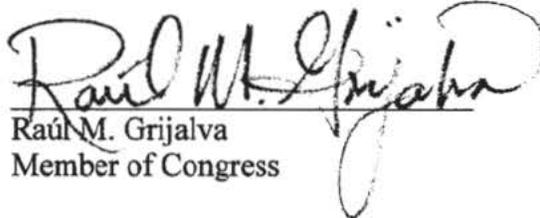
Michael M. Honda
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Barbara Lee
Member of Congress



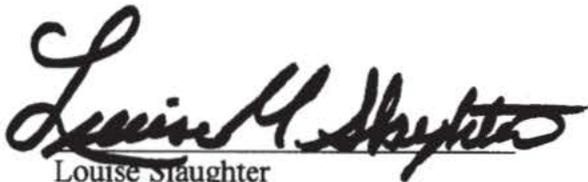
Raúl M. Grijalva
Member of Congress



Mark Takano
Member of Congress



Sam Farr
Member of Congress



Louise Slaughter
Member of Congress



Rubén Hinojosa
Member of Congress


Chellie Pingree
Member of Congress


Mike Thompson
Member of Congress


Janice Hahn
Member of Congress

cc: The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O'Rielly, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Commission's recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and 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 commitment to ensure consumers have choice in the set-top box marketplace. As you point out, 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]." 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.

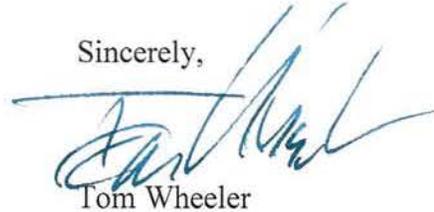
Accordingly, at the February 18th Commission meeting, we adopted an NPRM to fulfill the statutory requirement of competitive choice for consumers. Like all NPRMs, this action opens a fact-finding dialog to build a record upon which to base any final decision. And let me be very clear: our NPRM does not revert to the failed "AllVid" proposal from 2010.

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, including apps. I believe that this framework would significantly enhance opportunities for independent and minority voices. Specifically, competition in interfaces, search functions, and integration of programming sources can lead customers to have greater ability to locate and access minority and special interest programming. This is about bringing increased access and choice to the top of the pile, not the bottom.

There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to provide video programming to consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device or app they want. More choices often drive down consumer costs and drive up innovation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and options for innovative independent and minority-owned content providers. As we develop a record and explore fulfilling the statutory mandate, I look forward to continuing to work with you on this important consumer issue.

Sincerely,

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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Sam Farr
U.S. House of Representatives
1126 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Farr:

Thank you for your letter regarding the Commission's recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and 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 commitment to ensure consumers have choice in the set-top box marketplace. As you point out, 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]." 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.

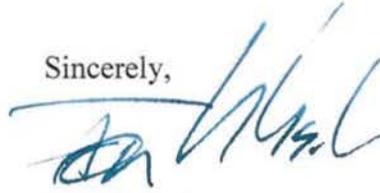
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Raúl M. Grijalva
U.S. House of Representatives
1511 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Grijalva:

Thank you for your letter regarding the Commission's recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

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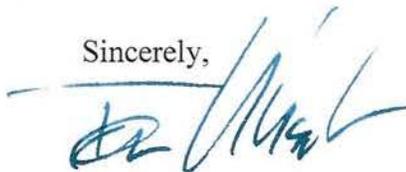
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Janice Hahn
U.S. House of Representatives
404 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Hahn:

Thank you for your letter regarding the Commission's recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

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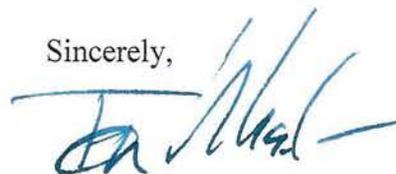
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Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Rubén Hinojosa
U.S. House of Representatives
2262 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinojosa:

Thank you for your letter regarding the Commission's recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act. Your views are very important and will be considered as part of the Commission's review.

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Page 2—The Honorable Rubén Hinojosa

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

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March 18, 2016

The Honorable Michael M. Honda
U.S. House of Representatives
1713 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Honda:

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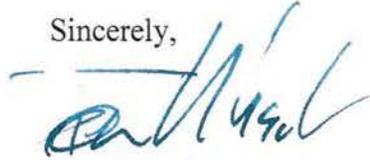
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