



April 21, 2016

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: MB Docket 16-42

Dear Chairman Wheeler,

For women artists, producers, and media entrepreneurs, there has never been a more exciting time to be a part of the television industry. The explosion of new video platforms and services has led to more opportunities than ever before for women to play a central role in creating high quality, compelling programming. In fact, according to the Center for the Study of Women in Television and Film in 2014-2015 women comprised 38% of producers on Broadcast Network, Cable and Netflix Programs. Shows produced by women – from *The Walking Dead* to *Orange is the New Black* – are breaking new ground and setting ratings records. While more work is needed to continue building on the progress that has been made, it is hard to deny that audiences are benefiting from a greater diversity of programming choices than at any time in the history of television.

This progress is clouded, however, by the proposed set-top box proposal currently under consideration. In its current form, this proposal would have devastating effects on programmers and content creators, reversing the progress that has been made to expand opportunities for women artists and entrepreneurs. As business owners, we recognize the need for competition in any industry. Entrepreneurs generally benefit from innovative products and greater competition and thrive by providing services and products that are better, faster and less expensive. Central to small business success is the ability to protect products and services from unfair competition. After reviewing the FCC proposal, we are not convinced that the proposed changes will bring about lower prices and we are concerned about the changes occurring at the expense of programmers and content providers. We are opposed to any proposal that allows large technology companies to repackage and monetize creative works for free by avoiding fair negotiations in the open market.

The ecosystem we see today hinges on programmers' ability to monetize their content libraries through licensing agreements with TV distributors. Through these agreements, programmers are able to protect how

their copyrighted content is used, negotiate for where it will appear in the program guide, and ensure fair financial compensation for their work. The fees generated by these licensing deals, along with the revenue programmers generate selling advertising in their shows, give studios and networks the financial security to invest in great programming and grow.

The FCC's proposal disrupts the system by requiring TV providers to hand over their programming, for free, to large third-party technology companies who could then repackage and monetize it through their own products and services. The underpinnings of the FCC proposal, increased competition and better prices, would not be realized if third-party tech giants could forego negotiations for content rights with providers or programmers, and ignore the terms of the underlying licensing agreements. Small programmers would be stripped of channel placement guarantees if channel lineups and network bundles could be changed or replaced entirely with search interfaces

Women programmers stand to lose much of their negotiating leverage in this new world. These third-party tech companies would create apps and devices with entirely new layers of advertising packaged around content, diverting advertising revenues away from TV networks without having to pay a dime for the rights to the underlying content. This could result in less revenue going to programmers and studios, with small and diverse networks left particularly vulnerable to this economic squeeze. Less revenue to fund production would force smaller, diverse programmers to cut back on budgets, leaving audiences with fewer and lower-quality choices.

We are also concerned by the impact this proposal would have on consumer privacy and urge the Commission to rethink the model suggested in the proposal. It seems to us that any providers—cable, satellite or technology companies-- should be held to a uniform standard with respect to viewing data and personal information under federal law. While the proposal suggests that this privacy gap could be addressed by requiring third-party devices to “self-certify” that they follow the same strict privacy laws covering TV providers, we do not think this goes far enough..

In summary, WIPP urges the Commission to take into consideration the harm to the programming economy and the devastating effect it could have women artists and entrepreneurs if this proposal was adopted. We suggest that instead of mandating standards for outdated set-top boxes, the Commission should consider embracing the unprecedented market-driven innovation that is already giving consumers more options than ever on consumer-owned, app-powered devices.

Sincerely,



Lisa Firestone
Chair

Women Impacting Public Policy