



May 13, 2016

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., SW
Washington, DC 20554

Re: In the Matter of Expanding Consumers' Video Navigation Choices, Commercial Availability of Navigation Devices, MB Docket No. 16-42, CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

On May 11, 2016, the Consumer Video Choice Coalition, represented by Adam Goldberg, consultant to Public Knowledge; Jeff Kardatzke and Megan Anne Stull of Google Inc.; Matthew Zinn and Joseph Weber of TiVo Inc. and counsel Dave Kumar; and Ken Plotkin and Brad Love of Hauppauge Computer Works, Inc., and the undersigned as counsel to Hauppauge (collectively, the "Coalition representatives"), met in person and telephonically with the Chief Technologist and personnel from the Office of Strategic Planning and Analysis, the Media Bureau, the Office of General Counsel, and the Wireline Bureau, as listed and copied below. The meeting was focused on "service discovery" in the context of the Commission's pending rulemaking¹ in the dockets referenced above.

The Coalition representatives addressed questions respecting program search, necessary data, and allocation of server and device resources. The Coalition referred to existing industry standards, technologies, and practices, as well as to its Comments and Technical Appendix in this proceeding. The Coalition Representatives also addressed issues pertaining to content display and provisioning of advertising.

In a "default" standards environment as outlined in the Technical Appendix and in the context of present practices, a combination of factual identity and scheduling data from an MVPD plus independently licensed guide data would enable subscribers to search for and

¹ *In the Matter of Expanding Consumers' Video Navigation Choices, Commercial Availability of Navigation Devices*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, MB Docket No. 16-42, CS Docket No. 97-80 (rel. Feb. 18, 2016) ("NPRM").

correctly identify content offered on a video-on-demand or pay-per-view basis. Such scheduling data must be provided in a format useful to competitive devices and made available to all parties on reasonable and nondiscriminatory terms and conditions. The Coalition representatives highlighted Gracenote's commitment in its April 22, 2016 comments in this respect as critical for ensuring choice and competition in navigation devices. Further, an interface between home and MVPD networks, as described in the Technical Appendix, would not depart from current resource allocation practices, such as advising the subscriber of tuner availability.

If a device enables a consumer viewing MVPD programming to change viewing speed or resolution, or to become aware of additional offers for MVPD-provided or other programming, such private consumer *viewing* practices do not encounter any copyright rights reserved to content owners under U.S. law. Such content owner or distributor rights also are not encountered if a device enables a consumer to become aware of additional content. However, the Coalition representatives said that, subject to consumer volition, they would not oppose steps to prevent advertising contained in MVPD programming delivered to subscribers from being replaced or obscured in the course of program delivery to a subscriber.

The Coalition representatives reiterated their support for the Commission's proposals to provide greater consumer choice and competition in navigation devices that are interoperable across MVPD systems, consistent with Congress's reference to a "uniform, and technology- and platform-neutral software-based downloadable security system"² in furtherance of Section 629 of the Communications Act.³

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

Consumer Video Choice Coalition

/s/ Robert S. Schwartz
Constantine Cannon, LLP
Counsel to Hauppauge

² STELA Reauthorization Act of 2014, Pub. L. No. 113-200, § 106, 128 Stat. 2059, 2063-4 (2014).

³ 47 U.S.C. § 549.

Marlene H. Dortch
May 13, 2016
Page 3

Cc:

OSP

Scott Jordan, Chief Technologist
Paul LaFontaine

OGC

Marilyn Sonn
Susan Aaron

Media

Michelle Carey
Steve Broeckaert
Martha Heller
Kathy Berthot
Nancy Murphy
Calisha Myers
Mary Beth Murphy
Lyle Elder
Susan Singer
Ali Zayas
Brendan Murray

Wireline

Sherwin Siy