



May 23, 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

Re: MB Docket No. 16-42: In the Matter of Expanding Consumers' Video Navigation Choices

Dear Ms. Dortch,

On behalf of Public, Educational and Government (PEG) Access channels and producers across the United States, we wish to comment on the Notice of Proposed Rulemaking on Expanding Consumers' Video Navigation Choices (MB Docket No. 16-42 or "NPRM"). As we indicated to Chairman Wheeler in our letter on January 29, 2016, we welcome the NPRM as an opportunity to remove anti-competitive barriers in the Set Top Box market, specifically those that harm PEG Access and discourage the viewing of the diverse content on our channels.

We agree with the Commission's proposal to define Service Discovery Data as "information about available Navigable Services and any instructions necessary to request a Navigable Service" (NPRM 38, page 19) but wish to stress the necessity for the minimum standards for what information is included in the data the Commission suggests. We believe that program description information MVPDs pass along from program producers is necessary as well. Without simple program descriptions, consumers do not have adequate information to make choices for viewing or recording content.

Such minimum standards are important for the PEG channels we represent across the United States. As has been documented by numerous PEG organizations and centers in other proceedings (most recently in the Notice of Inquiry on Promoting Diverse and Independent Sources of Video Programming, MB Docket No. 16-41), the ability to be discovered by viewers is vital for the government and non-profit channels that provide local civic information and political and religious expression on MVPD systems. MVPD systems currently control access to third-party information systems (such as Rovi), and thus determine whether channels can be discovered or not – or recorded or not on DVR equipment and services.

We are particularly concerned that all devices used to navigate MVPD systems with PEG content have the ability to receive local program data from PEG providers. Creating a competitive device market is a desirable goal, but the Commission must also ensure that such devices fully meet the needs of both consumers and local program producers.

As representatives of channels that are devoted to free speech, we find the argument that the Commission's proposals are "compelled speech" to be richly ironic – and completely false (NPRM 45, page 23). Much as PEG channels have been found to be speech in the public interest and not "compelled speech" on MVPD systems, so too is their data – their speech – about those program channels. This speech of PEG channels is currently being prevented from distribution to subscribers in numerous communities across the country and it is in the government's interest to put forward these reasonable and modest solutions.

Thank you for your consideration. We look forward to further discussing our concerns with the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "MW", with a long horizontal flourish extending to the right.

Michael Wassenaar
President & CEO
Alliance for Community Media