



Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554)	
In the Matter of)	
)	
Expanding Consumers' Video Navigation)	MB Docket No. 16-42 Choices
)	
)	
Commercial Availability of Navigation)	CS Docket No. 97-80 Devices
)	
)	

**REPLY TO COMMENTS OF REMOTE TELEPOINTER, LLC
(DBA: RTP HOLDINGS)
(DBA: LOKITA SOLUTIONS)**

Charles E. (Chet) Dagit III
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5/23/16

Mr. Tom Wheeler, Chairman and Commissioners
FCC
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler and Commissioners,

RTP Holdings LLC (“RTP”) hereby submits Reply To Comments in response to comments made on the Notice of Proposed Rulemaking (“NPRM”) issued in the above-captioned dockets.

My company is a software startup focused on innovative content discovery, navigation, and primarily location-based content delivery to mobile devices. One might expect a company like mine to be a strong proponent of the NPRM. After reading many of the submitted comments, I have concluded a balanced approach to these proceedings would best serve the public interest, and companies like mine. My perspective on these issues is unique, and I hope compelling. As a Director of Product Management I led the development team implementing server-side solutions that now enable TiVo boxes to receive VOD in Comcast’s systems. While in that position at SeaChange International I learned firsthand how difficult and costly CableCARD integration, development, and innovation is. I have spent over 20 years in the internet, mobile and media industries, on the vendor side, as a management consultant, and as an operator.

There are many aspects of the FCC’s NPRM proposal and the comments made about it that I agree with:

I Agree with Arris, the NCTA, and others that video navigation apps, and the app model in general, has already started addressing many of the concerns the NPRM hopes to address. I share the concern, in strong measure, raised by the NCTA about the need to preserve reliability in the EAS messaging.

My opinion is shared by many that the CableCARD regime has stymied Set-top Box competition and choice. Enabling consumers to have more choice in the video navigation devices they can choose from is a noble cause, with obvious populist support. However, I also agree with The American Conservative Union (ACU) when they say that



‘deep and effective cost-benefit analysis has not been done’ to determine if the public interest will be well served by any of the new proposed rules.

I also agree with Roku that there is no pressing need for unnecessary government intervention in today’s video access marketplace. I strongly believe there is no need for another new Set-top Box mandate, that would likely harm consumers and stifle innovation.

Many of the submitted comments I have to disagree with:

The Consumer Video Choice Coalition describes a monopolistic marketplace that simply does not exist. According the FCC reports there is no Set-top Box monopoly, and there has not been one for many years.

I disagree with those commenters who suggest that copyrights will be well protected under the proposed rules as drafted. I also disagree with those that say consumer privacy will be upheld to the standards set in today’s legal framework. The rules, as written, could lead to a Napster-type marketplace for video, the same way the music industry was exposed to copyright theft and the dilution of consumer privacy. The advocacy group Public Knowledge commented that the NPRM would ‘create a disincentive for illegitimate content, and attract more consumers to pay for lawful content.’ There is no reason to believe, or any way to forecast how, that outcome might come true.

Conclusions:

- There should be no mandatory in-home boxes, as an outcome of the NPRM.
- Any new rules must allow for the elimination of the Set-top Box, when consumers prefer that option.
- MVPDs should not be forced to become Common Carriers of video services through these proceedings.
- The ATSC 3.0 petition recently submitted to the FCC provides a great example of the growing convergence of Internet content delivery methods. This NPRM must not stifle advanced interactive features, like AWARD.

The DSTAC concluded, and Verimatrix and others affirmed, comments that “downloadable security” solutions already exist, and are widely deployed in other parts of the world, and as I previously commented software-only solutions to content security exist and have been proven in the marketplace. One of my clients, in fact, DigiCAP, has



one of those solutions deployed to millions of MVPD subscriber homes in Korea, and Southeast Asia. If this NPRM passes with a mandate for client-side hardware, it will hinder the software-only, and app-based approaches that are gaining traction and ultimately will serve the public good, and are generating increased competition more than any new hardware mandate ever could.

By way of example, the Reel Smart Remote app is now in active use by over 100M users worldwide. It has achieved that scale in a few short years, and has distribution with major CE/CTA enterprises, like Samsung. Samsung, in that same timeframe, entered and then exited the Set-top Box market.

Innovation, speed, and certainty, with a path toward rapid compliance, should be at the root of any new rules the FCC adopts for content discovery and navigation. The rules as drafted appear to face uphill legal challenges that would defeat their very purpose, by creating nothing but innovation delay and uncertainty in this market.

I wholeheartedly encourage the promotion and use of open standards across these diverse MVPD enterprise types, as long as the rules allow for commercially reasonable data exchange between them, and with their edge-partners. The NCTA's comments on preserving the consumer protections currently guaranteed by law, and the fact that a Certification Regime may be difficult or impossible to implement to maintain those protections, drive this point home for me. The MVPDs must be allowed commercially reasonable methods to protect both privacy and copyright.

In conclusion, I submit the FCC commissioners should heed many of these comments, and redraft the NPRM for later approval, or reject it in its current form.

Best Regards,

Chet Dagit – Founder and Managing Director – RTP Holdings – Lokita Solutions

