

Congress of the United States  
Washington, DC 20515

317

April 22, 2016

The Honorable Thomas E. Wheeler  
Chairman  
Federal Communications Commission  
445 12th St, S.W.  
Washington, D.C. 20554

Dear Chairman Wheeler:

Over the last two decades, we have witnessed remarkable changes in the competitive landscape that have rapidly expanded who provides video programming and how consumers enjoy it. Your recent Notice of Proposed Rulemaking concerning Navigation Devices proposes far reaching rules affecting the current video programming marketplace, programming, security, consumer protections, costs, networks and consumer electronics. It raises substantial issues of concern to many parties that have not been adequately studied.

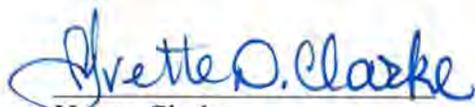
In order to evaluate the current marketplace and to assess the potential impact of the proposed rules, we believe it is essential for independent, peer-reviewed studies to be completed of current developments towards market-based solutions and of the potential costs and benefits of the proposed rules, including the impact of the proposed rules on diversity of programming, independent and minority television programming, content protection and consumer privacy.

At a minimum, these studies should analyze:

- The potential impact of the proposed rule on all parties in the video programming marketplace, including video programming creators, satellite-delivered video programming vendors, multichannel video programming distributors, and subscribers of multichannel video services;
- The potential impact of the proposed rule on content diversity, intellectual property, and content licensing;
- The potential impact of the proposed rule on consumer privacy, and the legal remedies available to consumers for violations of video privacy obligations.

Therefore, we urge the Commission to suspend further action on its Notice of Proposed Rulemaking until these studies are completed and Congress has the opportunity to review and assess the studies.

Sincerely,



Yvette Clarke  
Member of Congress



Gene Green  
Member of Congress

*Eliot L. Engel*

Eliot Engel  
Member of Congress

*G. K. Butterfield*

G. K. Butterfield  
Member of Congress

*Bobby Rush*

Bobby Rush  
Member of Congress

*Paul Tonko*

Paul Tonko  
Member of Congress

*Henry Cuellar*

Henry Cuellar  
Member of Congress

*Loretta Sanchez*

Loretta Sanchez  
Member of Congress

*Ted Lieu*

Ted Lieu  
Member of Congress

*Cedric Richmond*

Cedric Richmond  
Member of Congress

*William Lacy Clay*

William Lacy Clay  
Member of Congress

*Terri Sewell*

Terri Sewell  
Member of Congress

*Frederica S. Wilson*

Frederica Wilson  
Member of Congress

*Brenda Lawrence*

Brenda Lawrence  
Member of Congress

*Brendan Boyle*

Brendan Boyle  
Member of Congress

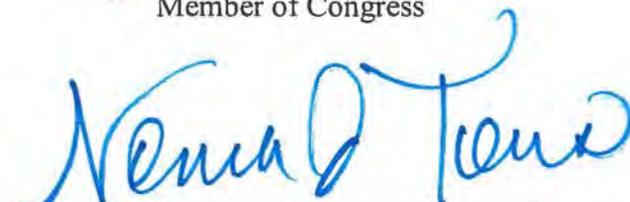
*Bennie M. Thompson*

Bennie Thompson  
Member of Congress

  
Grace Napolitano  
Member of Congress

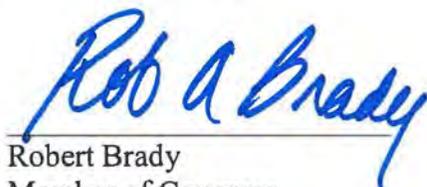
  
Albio Sires  
Member of Congress

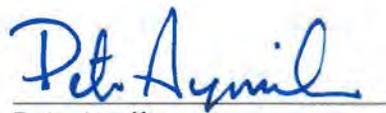
  
Alma Adams  
Member of Congress

  
Norma J. Torres  
Member of Congress

  
Dina Titus  
Member of Congress

  
Luis V. Gutiérrez  
Member of Congress

  
Robert Brady  
Member of Congress

  
Pete Aguilar  
Member of Congress

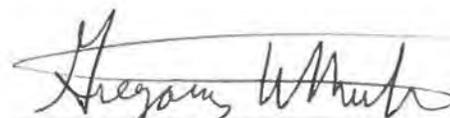
  
David Scott  
Member of Congress

  
Eddie Bernice Johnson  
Member of Congress

  
Alcee L. Hastings  
Member of Congress

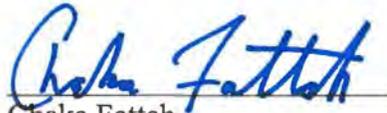
  
Brad Ashford  
Member of Congress

  
Filemon Vela  
Member of Congress

  
Gregory W. Meeks  
Member of Congress

  
Joyce Beatty  
Member of Congress

  
Corrine Brown  
Member of Congress

  
Chaka Fattah  
Member of Congress

  
Hakeem Jeffries  
Member of Congress

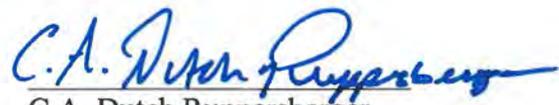
  
Robin Kelly  
Member of Congress

  
Stacey Plaskett  
Member of Congress

  
Mark Takai  
Member of Congress

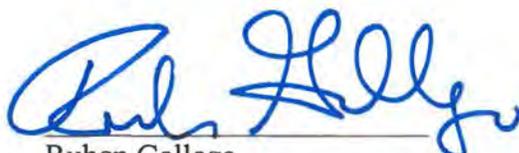
  
Mike Quigley  
Member of Congress

  
Timothy Walz  
Member of Congress

  
C.A. Dutch Ruppersberger  
Member of Congress

  
Ann McLane Kuster  
Member of Congress

  
Alan Lowenthal  
Member of Congress

  
Ruben Gallego  
Member of Congress

  
Kyrsten Sinema  
Member of Congress



Matt Cartwright  
Member of Congress



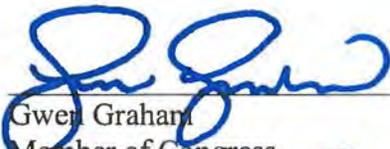
Jim Costa  
Member of Congress



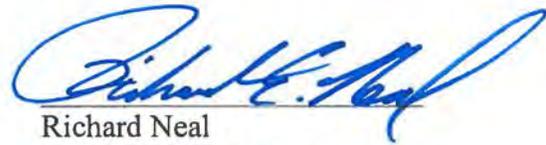
Brian Higgins  
Member of Congress



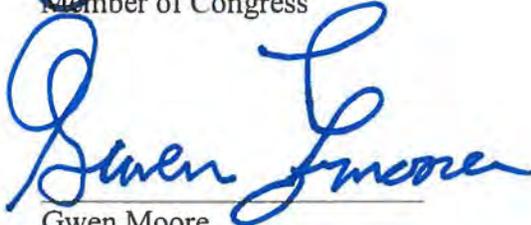
Donald M. Payne, Jr.  
Member of Congress



Gwen Graham  
Member of Congress



Richard Neal  
Member of Congress



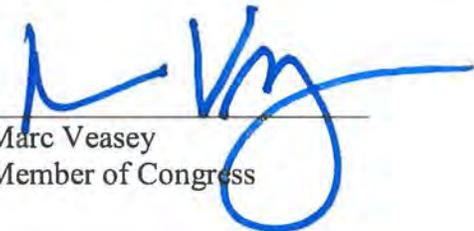
Gwen Moore  
Member of Congress



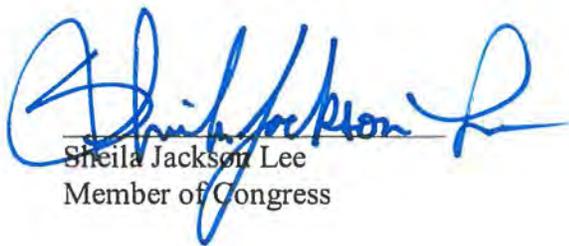
Scott Peters  
Member of Congress



Marcia L. Fudge  
Member of Congress



Marc Veasey  
Member of Congress



Sheila Jackson Lee  
Member of Congress



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Alma Adams  
U.S. House of Representatives  
222 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Adams:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

This February the Commission put out for public comment a proposal that would fulfill the statutory requirement of competitive choice for consumers. This action opened a fact-finding dialog to build a record upon which to base any final decision.

The notice-and-comment process, as well as subsequent *ex parte* communications, will constitute the most complete and thorough examination of this issue ever undertaken or contemplated. Already, the record contains over 104,000 comments representing a broad range of viewpoints and data. This includes both theoretical economic studies, as well as real-life experiences.

In order to provide guidance to commenters, we specifically requested information from all sides on the issues you raise in your letter – the impact on all parties in the video marketplace, the impact on content diversity and intellectual property, and the impact on consumer privacy – as well as many other topics.

As you know, the first round of comments on this proposal were filed last month. Responses are due today. However, as with all of our proceedings, we will continue accepting comments, studies and observations for the record well after our formal comment period closes.

And, of course, every single one of these pages of comments will be available online for public scrutiny and comment. The ultimate record will no doubt reach multiple of hundreds of thousands of pages of information, which is why I am confident it will be the most extensive examination of the subject ever undertaken. As always, your participation in the record is appreciated.

As the video ecosystem evolves it should be creating more opportunities for independent and minority-owned programming. By using the set top box as a way to limit program carriage,

however, MVPDs constrict opportunities. While the most popular MVPD packages contain 200 to 500 channels, there are currently only two Hispanic-owned and four African-American owned networks. Not only is there limited carriage, but there is also limited financial support. While a channel like ESPN is paid over \$7.00 per month per subscriber by MVPDs, minority channels receive pennies. What's more, minority networks are often placed on premium tiers requiring an additional payment from the consumer which also limits potential advertising revenues by limiting potential audience reach.

Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>1</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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You have been thoughtful in identifying the issues that are important to you in this proceeding. I owe you the same courtesy insofar as responding to some of the issues that have been surrounding this topic:

- Debra Lee, CEO of BET, recently stated that our proposal would give away “BET programming for free.” I can assure you nothing in the proposal would require anyone to give away their content for free. If there is specific language you or Ms. Lee would like to suggest to make that clear, we are interested in seeing this language.
- Alfred Liggins, CEO of TV One, commented: “The programming market today is working for content providers seeking to reach consumers, including minority content providers.” Comments in the record take the opposite view. For instance, GFNTV submitted comments that “minority programmers will not be able to grow and thrive with the current system.”<sup>2</sup> Ultimately, the record being developed will answer this question.
- There have also been continuing allegations about copyright protections. If copyright can be protected on Smart TVs, iPads and iPhones, there is little reason to expect it cannot similarly be protected on a third party set-top-box or app. We actually incorporated the industry’s CableCARD license protections into the proposal since that has been so successful in protecting content for the last 20 years. Again, if there is other language necessary to ensure copyright protections, we are interested in seeing such language.

Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

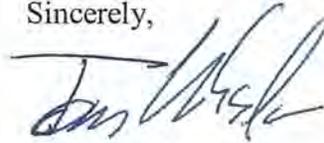
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Page 4 – The Honorable Alma Adams

Thank you for your engagement on this important issue. The wisdom inherent in a notice-and-comment proceeding is that there is time for continuing an ongoing dialog. I look forward to such a dialog with you.

Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Pete Aguilar  
U.S. House of Representatives  
1223 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Aguilar:

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Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>3</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

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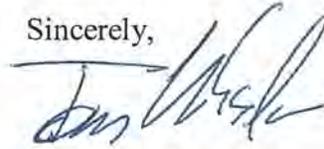
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Page 4 – The Honorable Pete Aguilar

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Tom Wheeler



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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Brad Ashford  
U.S. House of Representatives  
107 Cannon House Office Building  
Washington, D.C. 20515

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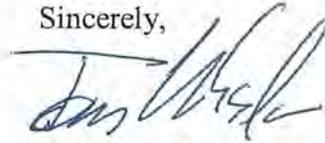
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<sup>6</sup> GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016)

Page 4 – The Honorable Brad Ashford

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Joyce Beatty  
U.S. House of Representatives  
133 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Beatty:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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In order to provide guidance to commenters, we specifically requested information from all sides on the issues you raise in your letter – the impact on all parties in the video marketplace, the impact on content diversity and intellectual property, and the impact on consumer privacy – as well as many other topics.

As you know, the first round of comments on this proposal were filed last month. Responses are due today. However, as with all of our proceedings, we will continue accepting comments, studies and observations for the record well after our formal comment period closes.

And, of course, every single one of these pages of comments will be available online for public scrutiny and comment. The ultimate record will no doubt reach multiple of hundreds of thousands of pages of information, which is why I am confident it will be the most extensive examination of the subject ever undertaken. As always, your participation in the record is appreciated.

As the video ecosystem evolves it should be creating more opportunities for independent and minority-owned programming. By using the set top box as a way to limit program carriage,

however, MVPDs constrict opportunities. While the most popular MVPD packages contain 200 to 500 channels, there are currently only two Hispanic-owned and four African-American owned networks. Not only is there limited carriage, but there is also limited financial support. While a channel like ESPN is paid over \$7.00 per month per subscriber by MVPDs, minority channels receive pennies. What's more, minority networks are often placed on premium tiers requiring an additional payment from the consumer which also limits potential advertising revenues by limiting potential audience reach.

Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>7</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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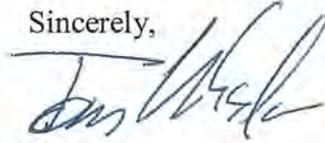
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Page 4 – The Honorable Joyce Beatty

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Brendan F. Boyle  
U.S. House of Representatives  
118 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Boyle:

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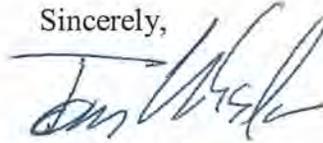
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Page 4 – The Honorable Brendan F. Boyle

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Robert A. Brady  
U.S. House of Representatives  
102 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Brady:

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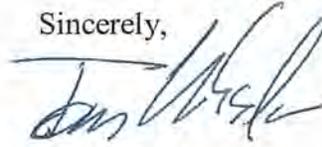
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Page 4 – The Honorable Robert A. Brady

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Corrine Brown  
U.S. House of Representatives  
2111 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Brown:

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Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

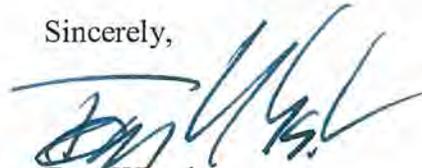
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<sup>14</sup> GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016)

Page 4 – The Honorable Corrine Brown

Thank you for your engagement on this important issue. The wisdom inherent in a notice-and-comment proceeding is that there is time for continuing an ongoing dialog. I look forward to such a dialog with you.

Sincerely,



Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable G.K. Butterfield  
U.S. House of Representatives  
2305 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Butterfield:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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In order to provide guidance to commenters, we specifically requested information from all sides on the issues you raise in your letter – the impact on all parties in the video marketplace, the impact on content diversity and intellectual property, and the impact on consumer privacy – as well as many other topics.

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As the video ecosystem evolves it should be creating more opportunities for independent and minority-owned programming. By using the set top box as a way to limit program carriage,

however, MVPDs constrict opportunities. While the most popular MVPD packages contain 200 to 500 channels, there are currently only two Hispanic-owned and four African-American owned networks. Not only is there limited carriage, but there is also limited financial support. While a channel like ESPN is paid over \$7.00 per month per subscriber by MVPDs, minority channels receive pennies. What's more, minority networks are often placed on premium tiers requiring an additional payment from the consumer which also limits potential advertising revenues by limiting potential audience reach.

Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>15</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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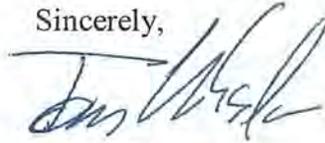
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Page 4 – The Honorable G.K. Butterfield

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Matt Cartwright  
U.S. House of Representatives  
1419 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Cartwright:

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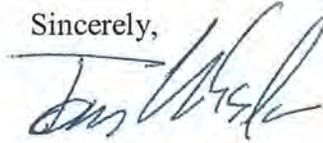
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Page 4 – The Honorable Matt Cartwright

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2351 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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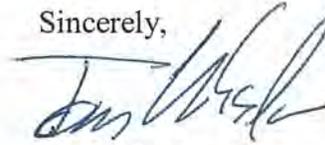
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Page 4 – The Honorable Yvette D. Clarke

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable William Lacy Clay  
U.S. House of Representatives  
2428 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Clay:

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Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

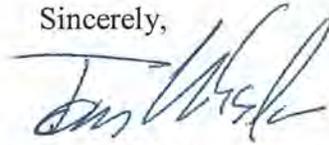
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<sup>22</sup> GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016)

Page 4 – The Honorable William Lacy Clay

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Jim Costa  
U.S. House of Representatives  
1314 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Costa:

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Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>23</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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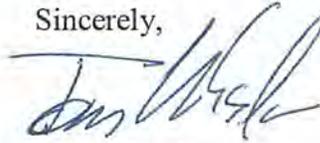
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Page 4 – The Honorable Jim Costa

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Henry Cuellar  
U.S. House of Representatives  
2209 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Cuellar:

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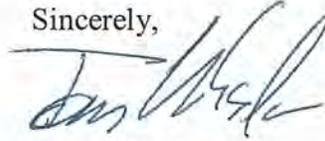
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Page 4 – The Honorable Henry Cuellar

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Eliot L. Engel  
U.S. House of Representatives  
2462 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Engel:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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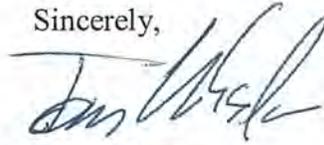
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Chaka Fattah  
U.S. House of Representatives  
2301 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Fattah:

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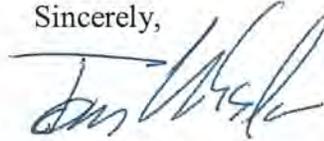
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<sup>30</sup> GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016)

Page 4 – The Honorable Chaka Fattah

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Marcia L. Fudge  
U.S. House of Representatives  
2344 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Fudge:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>31</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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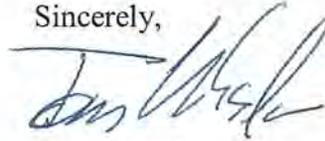
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Page 4 – The Honorable Marcia L. Fudge

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Gwen Graham  
U.S. House of Representatives  
1213 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Graham:

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Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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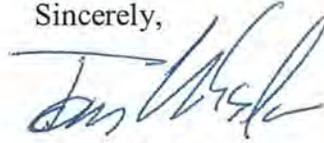
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Ruben Gallego  
U.S. House of Representatives  
1218 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Gallego:

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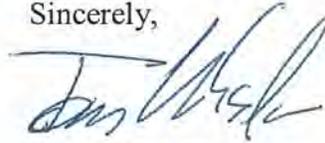
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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Gene Green  
U.S. House of Representatives  
2470 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Green:

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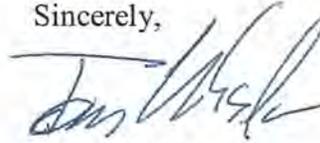
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Page 4 – The Honorable Gene Green

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Luis V. Gutiérrez  
U.S. House of Representatives  
2408 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Gutiérrez:

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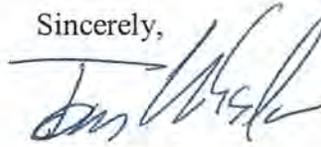
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Page 4 – The Honorable Luis V. Gutiérrez

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Alcee L. Hastings  
U.S. House of Representatives  
2353 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Hastings:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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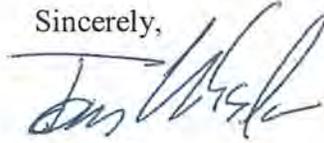
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Page 4 – The Honorable Alcee L. Hastings

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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Brian Higgins  
U.S. House of Representatives  
2459 Rayburn House Office Building  
Washington, D.C. 20515

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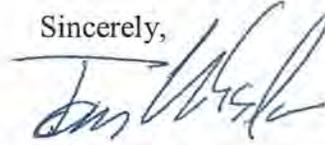
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Page 4 – The Honorable Brian Higgins

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Sheila Jackson Lee  
U.S. House of Representatives  
2252 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Jackson Lee:

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Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission's proposal disrupts existing contractual relationships between programmers and MVPDs.

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The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

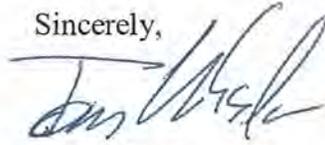
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<sup>46</sup> GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016)

Page 4 – The Honorable Sheila Jackson Lee

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Hakeem Jeffries  
U.S. House of Representatives  
1607 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Jeffries:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission’s proposal disrupts existing contractual relationships between programmers and MVPDs.

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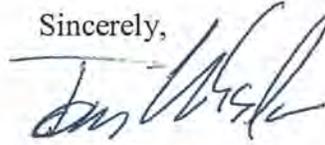
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Page 4 – The Honorable Hakeem Jeffries

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Eddie Bernice Johnson  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Johnson:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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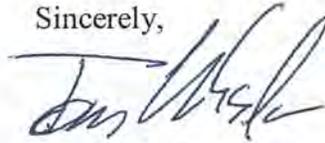
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Page 4 – The Honorable Eddie Bernice Johnson

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Robin Kelly  
U.S. House of Representatives  
1239 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Kelly:

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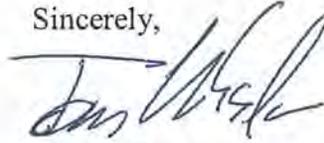
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Page 4 – The Honorable Robin Kelly

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Ann McLane Kuster  
U.S. House of Representatives  
137 Cannon House Office Building  
Washington, D.C. 20515

Dear Congresswoman Kuster:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission’s proposal disrupts existing contractual relationships between programmers and MVPDs.

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Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

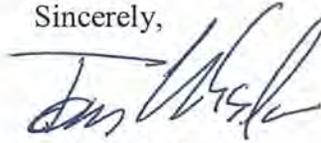
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Page 4 – The Honorable Ann McLane Kuster

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Brenda Lawrence  
U.S. House of Representatives  
1237 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Lawrence:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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In order to provide guidance to commenters, we specifically requested information from all sides on the issues you raise in your letter – the impact on all parties in the video marketplace, the impact on content diversity and intellectual property, and the impact on consumer privacy – as well as many other topics.

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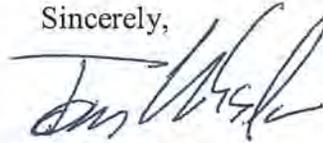
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Page 4 – The Honorable Brenda Lawrence

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Ted Lieu  
U.S. House of Representatives  
415 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Lieu:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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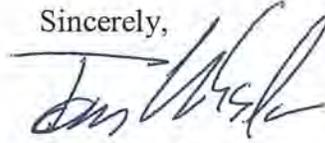
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Page 4 – The Honorable Ted Lieu

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Alan Lowenthal  
U.S. House of Representatives  
108 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Lowenthal:

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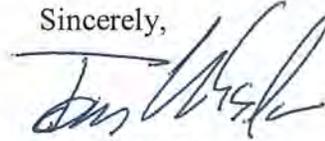
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Page 4 – The Honorable Alan Lowenthal

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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Gregory W. Meeks  
U.S. House of Representatives  
2234 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Meeks:

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Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission’s proposal disrupts existing contractual relationships between programmers and MVPDs.

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Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

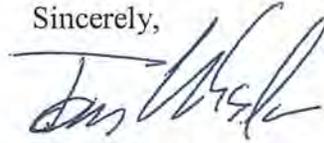
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Page 4 – The Honorable Gregory W. Meeks

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Gwen Moore  
U.S. House of Representatives  
2245 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Moore:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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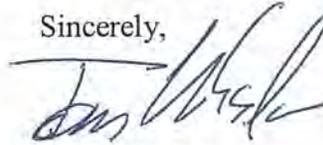
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Grace F. Napolitano  
U.S. House of Representatives  
1610 Longworth House Office Building  
Washington, D.C. 20515

Dear Congresswoman Napolitano:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

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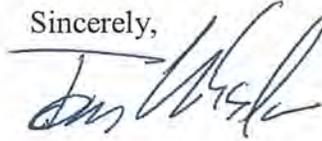
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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Richard E. Neal  
U.S. House of Representatives  
341 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Neal:

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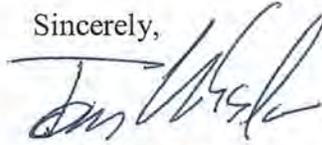
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Page 4 – The Honorable Richard E. Neal

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OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Donald M. Payne  
U.S. House of Representatives  
103 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Payne:

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As the video ecosystem evolves it should be creating more opportunities for independent and minority-owned programming. By using the set top box as a way to limit program carriage,

however, MVPDs constrict opportunities. While the most popular MVPD packages contain 200 to 500 channels, there are currently only two Hispanic-owned and four African-American owned networks. Not only is there limited carriage, but there is also limited financial support. While a channel like ESPN is paid over \$7.00 per month per subscriber by MVPDs, minority channels receive pennies. What’s more, minority networks are often placed on premium tiers requiring an additional payment from the consumer which also limits potential advertising revenues by limiting potential audience reach.

Thus far, our record is replete with comments from minority programmers who have been locked out from carriage on traditional cable networks.<sup>69</sup> For the sake of these entrepreneurs and the audiences they hope to reach, we must move forward.

Our proposal would provide minority and independent programmers with an equal opportunity to reach their audiences. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide programmers with a greater ability to find audiences and consumers with a greater ability to access independent and minority programming. For those few independent and minority-owned programmers who already have carriage on the traditional pay-TV system, nothing in the Commission’s proposal disrupts existing contractual relationships between programmers and MVPDs.

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<sup>69</sup> See, e.g., New England Broadband Comments, MB Docket Nos. 16-42, 97-80, at 2 (Apr. 22, 2016) (“On behalf of the dream that was the Black Education Network and on behalf of all of the other generations of quality programming strangled to demise by a merciless cable system, I enthusiastically applaud the FCC’s efforts to unlock the box!”); GFNTV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016) (“Fortunately, the FCC has the ability to create this opportunity for independent and minority programmers -- but it must act soon before cable operators can set the only gatekeepers to this online video market. We need a path to greater distribution of this content and the way to do this is to have a competitive set top box or no set top box system. Online video minority programmers will not be able to grow and thrive with the current system.”); BLQBOX Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 1-2 (Apr. 22, 2016) (“So why should minorities —or anyone else— care about this fight? Because as a battle wages on #OscarsSoWhite, there are hundreds of thousands of hours of quality programming —documentaries, shorts, lifestyle, indie movies, global movies —that don’t fit well within the traditional ad-based TV model and will never make it onto broadcast, cable or even Netflix and Amazon. And for those content creators and the entrepreneurs who want to distribute that work, the only viable market is direct to consumers in the streaming world. But as long as the streaming world is locked out from the mainstream, many audiences will never find them and they will not succeed. Set-top box innovation would open that system.”); The Townsend Group Comments, MB Docket Nos. 16-42, 16-41, 97-90, at 2 (Apr. 22, 2016) (“Unless we eliminate the gatekeeper system, we will forever be just talking about how to improve markets for independent and diverse programmers. The proposed Unlock the Box regulations significantly lower barriers to market entry for diverse and independent programmers. In addition, the proposal represents a positive evolution in our vide-programming ecosystem bringing us closer to the non-gatekeeper system we deserve. I urge the FCC to move deliberately implementing this proposal and finally establishing a cable marketplace that lives up to its potential.”); UNIFYme.TV Comments, MB Docket Nos. 16-42, 16-41, 97-80, at 2 (Apr. 22, 2016) (“Unlock the Box gives audiences easy access to diverse programming from streaming services like UNIFY and other content providers who have been shutout from cable outlets. Cable and satellite stations have been gatekeepers who have invariably dismissed so much rich content and deprived audiences from experiences of old and/or new content.”).

You have been thoughtful in identifying the issues that are important to you in this proceeding. I owe you the same courtesy insofar as responding to some of the issues that have been surrounding this topic:

- Debra Lee, CEO of BET, recently stated that our proposal would give away “BET programming for free.” I can assure you nothing in the proposal would require anyone to give away their content for free. If there is specific language you or Ms. Lee would like to suggest to make that clear, we are interested in seeing this language.
- Alfred Liggins, CEO of TV One, commented: “The programming market today is working for content providers seeking to reach consumers, including minority content providers.” Comments in the record take the opposite view. For instance, GFNTV submitted comments that “minority programmers will not be able to grow and thrive with the current system.”<sup>70</sup> Ultimately, the record being developed will answer this question.
- There have also been continuing allegations about copyright protections. If copyright can be protected on Smart TVs, iPads and iPhones, there is little reason to expect it cannot similarly be protected on a third party set-top-box or app. We actually incorporated the industry’s CableCARD license protections into the proposal since that has been so successful in protecting content for the last 20 years. Again, if there is other language necessary to ensure copyright protections, we are interested in seeing such language.

Developing a robust record addressing these issues will ultimately benefit consumers. Ninety-nine percent of today’s pay TV subscribers lease their set top box. This lack of competition has meant few choices and high prices for consumers—on average, \$231 in rental fees annually for the American household. Even worse for consumers, these rental fees continue to increase. One recent analysis found that the cost of cable set-top boxes has risen 185 percent since 1994 while the cost of computers, televisions and mobile phones has dropped by 90 percent during that same time period.

The record we are developing will help us address the outstanding issues you raise while delivering American consumers meaningful choice, and opening new opportunities for minority programmers.

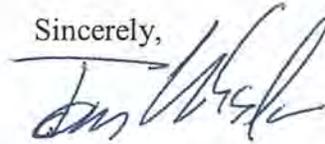
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Page 4 – The Honorable Donald M. Payne

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Sincerely,

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Tom Wheeler



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Scott Peters  
U.S. House of Representatives  
1122 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Peters:

Thank you for your letter regarding the Commission's proposal for better fostering competition in the set-top box and navigation app marketplace. One of the central issues in this proceeding is how competition can support and promote diverse and independent voices in our media landscape. Your engagement and leadership in our proceeding is invaluable and helps further the public discourse on this important issue.

This February the Commission put out for public comment a proposal that would fulfill the statutory requirement of competitive choice for consumers. This action opened a fact-finding dialog to build a record upon which to base any final decision.

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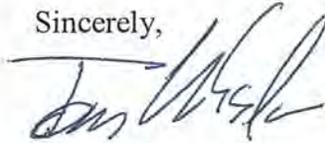
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Page 4 – The Honorable Scott Peters

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OFFICE OF  
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

May 23, 2016

The Honorable Stacey Plaskett  
U.S. House of Representatives  
509 Cannon House Office Building  
Washington, D.C. 20515

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