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## NOTICE OF EX PARTE

June 9, 2016

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington D.C. 20554

**RE: Notice of Proposed Rule Making (NPRM) as it pertains to the set-top box proposal. Docket No. 16-42**

Dear Ms. Dortch:

At the request of MANA, A National Latina Organization and the Hispanic Technology and Telecommunications Partnership (HTTP) Amy Hinojosa, President and CEO to MANA and Rosa Mendoza, Executive Director of HTTP met on Tuesday, June 7, 2016 with Marc A. Paul, Legal Advisor to Commissioner Jessica Rosenworcel. The group discussed a variety of issues related to the Notice of Proposed Rule Making (NPRM) as it pertains to the set-top box proposal.

MANA and HTTP urged the Commission to take into consideration the concerns expressed by minority organizations and programmers. The organizations explained that while they support more competition and innovation, they fear this set-top box proposal could harm minority programmers and undermine diversity in the television industry.

MANA and HTTP mentioned that this proposal favors large non-diverse tech companies at the expense of independent and diverse programmers and explained that minority programmers depend on licensing and advertising agreements that are carefully negotiated with television providers. The licensing agreements provide the programming community with crucial contractual protections related to channel placement, advertising and piracy. They further explained that they give programmers the security and certainty needed to finance and produce a broad range of diverse programming and to invest in developing new content for consumers.

### **About HTTP:**

The Hispanic Technology and Telecommunications Partnership (HTTP) is the leading national Latino voice on telecommunications and technology policy issues. We are a nonpartisan coalition of 19 national Latino organizations working to ensure that the full array of technological and telecommunications advancements are available to all Latinos in the United States.



MANA and HTTP empathized that if the Commission mandates its set-top box proposal, tech companies would not be required to abide by the terms and conditions of the privately negotiated licensing agreements. The tech companies would be able to simply get the programming at no cost and be free to repackage it as their own, while ignoring negotiated guarantees about channel placement, advertising restrictions, and other critical terms. MANA and HTTP also voiced concerns about the lack of diversity in companies such as Google and explained that such companies only have ad revenue in mind, not the well-being of minority programmers.

MANA and HTTP expressed concerns regarding program accessibility and mentioned that the FCC's set-top box proposal does not provide any guarantee that minority-owned programming will be easily accessible to minority communities. The organizations further explained that the proposal could instead harm programmers by making their content harder to find in programming guides or search menus provided by third party boxes since their priority is to collect data to sell more ads. Furthermore, tech companies would have the ability to expand their own advertising businesses around programming without sharing the revenue with the program creators. Ad revenue is crucial for minority programmers to survive.

MANA and HTTP mentioned that consumers prefer app-driven innovations, which are already fostering competition in the video market and providing diverse programmers more opportunities than ever for serving the nation's growing Latino community.

The organizations encouraged the commission to delay moving forward with the proposal until there are further studies on how it will impact the marketplace and particularly minority programmers.

Respectfully submitted,

Amy Hinojosa, President and CEO, MANA

Rosa Mendoza, Executive Director, HTTP

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