



June 9, 2016

VIA ELECTRONIC FILING

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

Dear Ms. Dortch:

On June 7, 2016, the Consumer Video Choice Coalition, represented by Kate Forscey and John Gasparini of Public Knowledge and Adam Goldberg, consultant to Public Knowledge; Jeff Kardatzke of Google Fiber; Angie Kronenberg and Chris Shipley of INCOMPAS; Josh Stager of New America's Open Technology Institute; Brad Love of Hauppauge Computer Works, Inc. and counsel Robert Schwartz of Constantine Cannon LLP; Linda Sherry of Consumer Action; Matthew Zinn and Joseph Weber of TiVo Inc. and counsel Dave Kumar of Goldberg, Godles, Wiener & Wright LLP; and the undersigned (collectively, the "Coalition representatives"), met with the Chief Technologist and personnel from the Office of Strategic Planning and Analysis, the Media Bureau, and the Office of General Counsel as listed and copied below.

The Coalition representatives addressed several topics raised in the Commission's rulemaking¹ in the dockets listed above and discussed in the Coalition's filings in the proceeding. The Coalition representatives agreed that the Commission could address certain consumer protection and programmer concerns through a device certification process (as defined in proposed rule section 76.1200(l)). Specifically, the Coalition representatives agreed with views expressed by the FTC and 15 State Attorneys General that a process through which a competitive navigation device manufacturer certifies that it has a consumer-facing privacy policy could be used to protect consumer privacy in accordance with the provisions of Sections 631 and 338 of

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, 31 FCC Rcd. 1544 (2016) ("*NPRM*").

Marlene H. Dortch
June 9, 2016
Page 2

the Communications Act. Similarly, a certificate process could ensure that: (1) subject to consumer volition, competitive navigation devices do not interfere with the programming stream, including advertisements; and (2) subject to consumer volition (e.g., a user-initiated filter or search function), competitive navigation devices would not cause the channel numbers assigned by the MVPD to change in the course of populating an electronic programming guide. For each of these cases, the certificate process would provide for a remediation process. The Coalition representatives also affirmed that a two-year time frame as provided for in the *NPRM* is appropriate for developing open standards solution(s) in accordance with the proposed rules. Lastly, the Coalition representatives noted that the contemplated technologies support non-Internet connected uses when the device is not connected to the Internet, and that metadata provided must allow for navigation of content in that case.

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/ John A. Howes, Jr.
Computer & Communications
Industry Association (CCIA)
900 17th Street, NW Suite 1100
Washington, DC 20006
(202) 783-0070

Marlene H. Dortch
June 9, 2016
Page 3

Cc:

OSP

Scott Jordan, Chief Technologist
Antonio Sweet
Jonathan Mayer
Paul LaFontaine
Jonathan Levy

OGC

Susan Aaron
John Williams
Matthew Collins
Varsha Mangal (Intern)

Media Bureau

Bill Lake
Michelle Carey
Brendan Murray
Martha Heller
Nancy Murphy
Mary Beth Murphy
Maria Mullarkey
Kathy Berthot
Susan Singer
Lyle Elder
Anne Russell (Intern)
Arian Attar (Intern)
Kelsie Rutherford (Intern)
Andrew Manley (Intern)