

**ORIGINAL**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
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Compatibility Between Cable Systems )  
and Consumer Electronics Equipment )  
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\_\_\_\_\_)

PP Docket No. 00-67

To: The Commission

**COMMENTS OF ECHOSTAR COMMUNICATIONS CORPORATION**

EchoStar Communications Corporation ("EchoStar") hereby submits its views in the above-captioned proceeding seeking comment on rules to resolve outstanding issues regarding the compatibility of cable television systems, digital television receivers, set-top boxes, and other equipment used by consumers to access digital cable programming.<sup>1</sup> In this NPRM, the Commission seeks comment on two significant compatibility matters which remain unresolved between the cable and consumer electronics industries: (1) whether digital television ("DTV") receivers should be required to include an IEEE 1394 connector in order to be labeled "cable-compatible"; and (2) licensing terms for copy protection technology.<sup>2</sup> In these comments,

<sup>1</sup> *In the Matter of Compatibility Between Cable Systems and Consumer Electronics Equipment*, Notice of Proposed Rulemaking, PP Docket No. 00-67, FCC 00-137 (rel. Apr. 14, 2000) ("NPRM").

<sup>2</sup> NPRM, ¶ 3.

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EchoStar emphasizes that any rules promulgated by the Commission, or any industry agreement reached between the Consumer Electronics Association (“CEA”) and the National Cable Television Association (“NCTA”) resolving these or any other compatibility issues, must not prejudice the Direct Broadcast Satellite (“DBS”) industry or otherwise place satellite delivered Multichannel Video Programming Distribution (“MVPD”) services at a competitive disadvantage.

As the Commission is well aware, EchoStar is a leading provider of DBS services in the United States serving over 3 million subscribers with high-quality digital video and audio programming. The DISH Network truly is one of the Commission’s glowing success stories, competing every day on both price and quality with the incumbent cable television systems in each and every local community throughout the country. It is imperative that as DBS providers continue to offer the only real alternative to cable television services, the Commission not sanction any agreement or adopt rules which have the effect of favoring cable television services over satellite delivered MVPD programming.

While the Commission is required, pursuant to 47 U.S.C. § 5444A, to “specify the technical requirements with which a television receiver or video cassette recorder must comply in order to be sold as ‘cable compatible’ or ‘cable ready,’”<sup>3</sup> it also must review and modify its regulations “to reflect improvements and changes in cable systems, television receivers, video cassette recorders and similar technology.”<sup>4</sup> EchoStar understands that these statutory

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<sup>3</sup> 47 U.S.C. § 544(A)(b)(2)(A).

<sup>4</sup> 47 U.S.C. § 544(A)(d).

requirements do not include the DBS industry within their scope. However, as the Commission itself recognized in its *Equipment Compatibility First Report and Order*:

While our statutory mandate directs us to ensure compatibility between consumer electronics equipment and cable systems, we do not wish to accomplish that goal at the expense of impeding consumer access to competing video delivery systems, such as home satellite dish, Direct Broadcast Satellite and wireless cable.<sup>5</sup>

The Commission must be just as reluctant now to embrace any measure which effectively puts any one medium of video distribution at a competitive disadvantage in the long awaited transition from analog to digital broadcast and cable television. To the contrary, the Commission must be particularly vigilant in this proceeding to maintain a level playing field at this critical juncture in the evolution of the MVPD marketplace.

In this regard, it is imperative that the Commission not inadvertently favor cable delivered programming by adopting rules that sanction the “cable ready” and/or “cable compatible” designations while ignoring equally important designations relating to the delivery of satellite delivered programming. One possible approach is to simply change the nomenclature. Indeed, the NPRM indicates that the Commission is “not wedded to the phrases ‘cable ready’ or ‘cable compatible,’”<sup>6</sup> and seeks comment on how best to indicate to consumers the capability of digital television receivers.<sup>7</sup> EchoStar suggests that the Commission consider

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<sup>5</sup> In the Matter of Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 Compatibility Between Cable Systems and Consumer Electronics Equipment, First Report and Order, 9 FCC Rcd. 1981 (1994) (“*Equipment Compatibility First Report and Order*”).

<sup>6</sup> NPRM, at n. 34.

<sup>7</sup> NPRM, at ¶ 18.

alternative designations which are delivery system neutral, such as “digital ready” and/or “digital compatible” to identify the functionality of new digital television receivers and other consumer equipment. Moreover, it is imperative that the Commission confirm that the February 2000 CEA-NCTA agreement does not inhibit the connection of satellite equipment to digital television receivers or otherwise indicate to consumers that satellite equipment cannot also be connected to such equipment.

Accordingly, EchoStar urges that the Commission adopt regulations that are consistent with the foregoing comments.

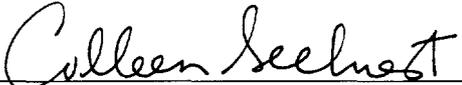
Respectfully submitted,

**EchoStar Communications Corporation**

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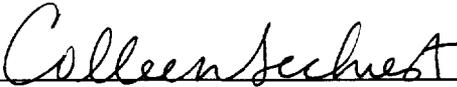
Dated: May 24, 2000

**CERTIFICATE OF SERVICE**

I, Colleen Sechrest, hereby declare that copies of the foregoing Comments of EchoStar Communications Corporation were sent this 24th day of May, 2000 by messenger or first class mail to the following:

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