The proposed rule is ill-advised. The Commission should not enact it.1. The proposed rule results in enormous and unnecessary expense to consumers by obsoleting any equipment now usable with DTV/HDTV. The proposed rule also increases the expense to consumers because reliable and inexpensive free and open-source software cannot be used in DTV/HDTV devices because it is inherently open to inspection and modification, or "tampering" as some call it.

2. The proposed rule enables content providers to virtually eliminate fair use of content. Technology may become obsolete; rights do not. The Commission risks its credibility vis-a-vis its basic mandates by enacting a rule that so cavalierly dispenses with a public interest.

3. The proposed rule encumbers technological development without benefit to a desirable status quo by requiring compatibility with a non-existing technology, namely that enabling the detection of and action upon the broadcast flag.

4. The proposed rule encumbers technological development by effectively shutting out individuals and small firms that cannot pay for the required licenses. These parties also use free and open-source software for its economic benefits. Unfortunately, this software cannot be used under the proposed rule (see Item 1). The proposed rule will eliminate the enormous potential contributions of many talented parties, both in advancement of technology and reduction of cost.

5. The proposed rule relies on faith that content providers will not only release abundant content, but also keep it in circulation for ready access by consumers. Consumers have no recourse if content providers do not deliver.

6. Copy protection is at best tolerable to consumers and at worst repugnant. This is not a recipe for ready acceptance, which in turn would hinder advancement. The imposition of SCMS copy protection on DAT recorders is credited as a major factor in the failure of a promising medium. The Sony MiniDisc system, which incorporates its own version of copy protection, has survived mainly through the availability of methods for defeating it.

7. Content providers have reliably and depressingly railed about the impending death of their industries as a result of the uncontrolled release of new technologies. The player piano, broadcast radio and television, photocopiers, and VCRs have all provoked the same tired refrains. Not only have these not driven content providers out of business; they have ultimately provided additional opportunities for promotion and revenue. To best protect content providers, we do not need to restrict technology, but allow and even foster its normal development in all its myriad and fecund ways.

--- Text Ends ---