

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Digital Broadcast Copy Protection) MB Docket No. 02-230
)
)

To: The Commission

COMMENTS OF THE NBC TELEVISION AFFILIATES ASSOCIATION

The NBC Television Affiliates Association (the “NBC Affiliates”) strongly supports the adoption of “a regulatory copy protection regime . . . within the limited sphere of digital broadcast television.”¹ The NBC Affiliates occupy a unique position by simultaneously operating as distributors, consumers, and producers of digital television content. As distributors, we know that our customers—the viewing public—will be severely harmed if unchecked piracy is permitted to threaten the system by which viewers receive NBC programming via free over-the-air broadcast television, or if the lack of a copy protection system delays the digital transition. As consumers, we are concerned that the lack of copy protection will constrain our access to high-quality digital programming. And as producers, we know that without copy protection, we will be hesitant to broadcast our most valued content in a digital format.

The transition to digital television presents many benefits to the television viewing public—including higher quality images, more efficient uses of spectrum, and greater programming choices for viewers. Digital television, however, also presents challenges that

¹ *Digital Broadcast Copy Protection (Notice of Proposed Rulemaking)*, FCC 02-231, MB Docket No. 02-230, ¶ 3 (rel. Aug. 9, 2002).

have the potential to undermine the distribution of digital content. Because unprotected digital television programs can be indefinitely reproduced without degradation, digital content is extremely vulnerable to piracy after it is released. As distributors of digital television, the NBC Affiliates depend on the excellent programming offered by the NBC network. Unchecked piracy threatens the economic model by which producers and distributors recover the costs associated with television programming. If television's economic model is undermined, viewers could very well see their programming choices contracting for the first time in television history.

The NBC Affiliates also purchase programming produced by others. As consumers of programming, the NBC Affiliates compete with other programming distributors—cable and DBS operators—who possess distribution networks that are technologically or physically closed to those outside the distribution system.² Unless broadcasters are able to assure programming providers that the recipients of over-the-air broadcast television cannot pirate the broadcast, the providers will be more likely to sell their highest-quality content to cable and DBS operators. The result, as described by a major content producer, is that “broadcast content will be relegated to second-class status, because programmers will be unlikely to provide their content to broadcasters if their content won't be protected.”³

Finally, the NBC Affiliates produce hundreds of hours of television programming every day. Increasingly, this production is done in a digital format. Like all other producers of digital content, the NBC Affiliates may find that piracy makes it impossible to recover the costs

² Cable is a physically closed network, protected by federal law. *See* 47 U.S.C. § 553. DBS systems are technologically closed by the use of encryption technologies. Circumvention of these technologies is also protected by federal law. *See* 17 U.S.C. § 1201.

³ Letter from Susan L. Fox, Walt Disney Company, to Magalie Roman Salas, FCC, CS Docket No. 97-80 (Nov. 8, 2001).

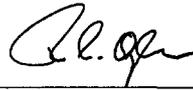
of digital television production unless effective copy protection systems are implemented. Without copy protection, the producers—including the NBC Affiliates—may stop producing valuable digital content.

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The NBC Affiliates commend the Commission for examining these important issues and strongly urge the Commission to adopt an effective copy protection system for digital broadcast television.

Respectfully submitted,

**NBC TELEVISION AFFILIATES
ASSOCIATION**



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