

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

In the Matter of:

Implementation of Section 304 of the
Telecommunications Act of 1996

CS Docket No. 97-80

Commercial Availability of Navigation
Devices

PP Docket No. 00-67

Compatibility Between Cable Systems and
Consumer Electronics Equipment

**RESPONSE TO PETITION FOR RECONSIDERATION OR CLARIFICATION OF
THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Association of Broadcasters (“NAB”)¹ hereby files in response to the National Cable & Telecommunications Association (“NCTA”) Petition For Reconsideration Or Clarification² of the *Second Report and Order*³ in the above-referenced proceeding. NAB files this brief response to comment solely on the section of the NCTA Petition that concerns carriage of program and system information protocol (“PSIP”) data, which provides tuning and guide

¹ NAB serves and represents the American broadcast industry as a nonprofit, incorporated association of radio and television stations and broadcast networks.

² Petition For Reconsideration Or Clarification of the National Cable & Telecommunications Association, CS Docket No. 97-80, PP Docket No. 00-67, filed December 29, 2003 (“NCTA Petition”).

³ Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment, CS Docket No. 97-80, PP Docket No. 00-67, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-225 (rel. Oct. 9,2003), as corrected by Erratum (rel. Oct. 21,2003) (“*Second Report and Order*”).

information to consumers.⁴ That section of the NCTA Petition concerns “some nuances of the rules for carrying program and system information protocol (“PSIP”) data.”⁵ NCTA identified three areas for which they suggest that slight changes of wording will clarify the rules. NAB supports NCTA’s objective of increased clarity and sees value in some clarification for two of the three areas, but believes the FCC was exactly correct on the third issue.

For its first PSIP-related clarification, NCTA suggests that § 76.640 (b)(1)(iv)(B) of the rules is not clear. They posit that, as this rule requires cable carriage of PSIP data describing a twelve-hour time period for each service in the transport stream (EIT-0,-1,-2,-3) but is silent as to the PSIP Agreement’s optional EITs (describing sixteen days of program information (EIT-4 to – 127), the rule can be read as not permitting carriage of the optional EITs. NAB does not agree with this interpretation.

NAB believes that this rule section, in the absence of specific FCC constraints, requires cable systems to carry all tables that are mandatory in ATSC’s PSIP standard A/65 but does not preclude or prohibit cable from carrying any optional EIT tables. While NAB does not read the rule as prohibiting cable operators from carrying *more* than 12 hours of PSIP event information, we do not object to the Commission’s addressing or clarifying this question. We do, however, object to the way NCTA proposes clarifying this issue.⁶ NCTA suggests adding to this rule section the sentence “[a]dditional event information table may be carried at the option of the cable operator.” NAB believes that NCTA’s wording would prejudge questions of mandatory

⁴ As the *Second Report and Order* points out, at 11, PSIP is the standard protocol that enables receivers to identify, locate and process the various types of content being transmitted, including video, audio, closed captions, content advisory information and ancillary data.

⁵ NCTA Petition at 4.

⁶ NCTA Petition, *supra*, at 18, 22.

cable carriage of the entire broadcast stream (including optional EIT tables) which the FCC is to decide in the ongoing digital must carry proceeding.⁷ If the FCC decides that additional clarification is needed at all, NAB suggests a more neutral clarification as follows (underlined language):

*§ 76.640 (b)(1)(iv)(B) PSIP data describing a twelve-hour time period shall be carried for each service in the transport stream. This twelve-hour period corresponds to delivery of the following event information tables: EIT-0, -1, -2 and -3. Additional tables may also be carried.*⁸

The second PSIP-related point that NCTA raises is that cable operators should not be required to correct PSIP data provided by the content providers that does not conform to ATSC A/65B.⁹ NAB agrees that cable operators should not be required to correct flawed PSIP data formatting or incorrectly entered content. While NAB believes that the rules as currently written do not require the carriage of PSIP data that is not “*in the form of ATSC Document A/65B,*”¹⁰ (i.e., that is not compliant with A/65B), NAB finds no problem with NCTA’s suggested clarification to §76.640 (b)(1)(iv)(C).

Finally, NCTA requests a limitation with respect to what services are described by the PSIP data structures (virtual channel data) carried by cable in accordance with §§ 76.640

⁷ See *Second Report and Order* at 23. NAB notes that removal of Optional EIT Tables from a broadcast stream, if not done with extreme care, can in fact have technical ramifications and can add Transport Stream jitter that would violate MPEG-2 rules.

⁸ NAB has argued that the Commission should require cable systems to pass through to consumers all non-subscription bits in a broadcast DTV signal. If such a rule is adopted, this section should be modified to provide for carriage of all PSIP information.

⁹ ATSC Standard: Program and System Information Protocol for Terrestrial Broadcast and Cable (Revision B) (“A/65B”).

¹⁰ § 76.640 (b)(1)(iv).

(b)(1)(iv)(A), (v)(A). NCTA asserts that “this rule could be misinterpreted to mean that cable operators must describe *all* services contained within a transport stream that includes PSIP data; *e.g.*, data services or ancillary services, which was not the intent of the February 2000 PSIP agreement.”¹¹ NCTA asks that the required information be limited to only “available audio/video services.”¹² NAB opposes NCTA’s request and maintains that the FCC rule is exactly right. In the modern world, data enhancements to programs¹³ will be as important to consumers as audio and video program elements. Program providers’ development of such enhanced services and receiver support of them will be inhibited if the change suggested by the NCTA is made. Such obstacles to innovation in improved consumer experiences in the digital age must be avoided.

¹¹ NCTA Petition at 19.

¹² *Id.*

¹³ We note that A/65B prohibits the use of EITs for announcement of separate data-only programs, so only program related enhancements are at issue here, not ancillary services.

NAB thus requests that the Commission proceed to clarify points of the *Second Report and Order* as suggested herein, but retain its rule as to the services to be described in PSIP information conveyed to consumers.

Respectfully submitted,



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