

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
	)	
Second Periodic Review of the	)	MB Docket No. 03-15
Commission’s Rules and Policies	)	
Affecting the Conversion	)	RM - 9832
To Digital Television	)	

To: The Commission

**REPLY TO OPPOSITIONS**

---

The Consumer Electronics Association (“CEA”) hereby files this Reply to Oppositions filed in response to its Petition for Clarification and/or Reconsideration of the Commission’s *Report and Order* in the above-captioned proceeding (“Petition”).<sup>1</sup> In its petition, CEA requested that the Commission clarify its newly adopted rule regarding the functioning of the v-chip in digital television receivers,<sup>2</sup> or in the alternative, amend this rule for the reasons set forth therein. CEA further requested that the Commission examine the intellectual property issues related to the implementation of this new requirement.

**Background**

In its petition, CEA explained why the modifications to Section 15.120 of the Commission’s rules and the accompanying language in the *Report and Order*, as written,

---

<sup>1</sup> *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television*, Report and Order, 19 FCC Rcd 18279 (2004) (“*Second DTV Periodic R&O*”). On November 3, 2004, CEA filed a Petition for Clarification and/or Reconsideration of the *Second DTV Periodic R&O* (“CEA Petition”).

<sup>2</sup> 47 C.F.R. § 15.120(d)(2). Specific changes are discussed in the CEA Petition.

do not clearly accomplish the Commission's goals of ensuring that DTVs have the capability to respond to a future U.S. rating system not specified at the time the DTV was manufactured. CEA fully supports the Commission's goal, with a clarification to ensure that the goal of flexibility also provides the necessary usability. In order to achieve this goal, CEA requested that the Commission clarify its new rules, as adopted in the R&O, as follows:

§15.38 (b)(13) ~~EIA/~~CEA-766-A: "U.S. and Canadian Region Rating Tables (RRT) and Content Advisory Descriptors for Transport of Content Advisory Information using ATSC A/65-A Program and System Information Protocol (PSIP)," 2001, IBR approved for §15.120.

§15.120 (d)(2) Digital television receivers shall react in a similar manner as analog televisions when programmed to block specific rating categories. Effective March 15, 2006, digital television receivers will receive program rating descriptors transmitted pursuant to industry standard ~~EIA/~~CEA-766-A "U.S. and Canadian Region Rating Tables (RRT) and Content Advisory Descriptors for Transport of Content Advisory Information using ATSC A/65-A Program and System Information Protocol (PSIP)," 2001 (incorporated by reference, see §15.38). Blocking of programs shall occur when a program rating is received that meets the pre-determined user requirements. Digital television receivers shall be able to respond to rating region 0x05, representing changes in the alternate U.S. content advisory rating system.

As CEA discussed in its Petition, the requirement that digital television receivers be able to respond to changes in the content advisory rating system is not incorrect; however, in its current form it is not specific enough for television manufacturers to build DTV sets in a consistent manner.<sup>3</sup>

As stated by the ATSC and reiterated in the R&O, the key to a future, unspecified rating system is the "assignment of a new, different rating region code" from rating region 0x01 that is currently linked to CEA-766-A.<sup>4</sup> This new region code can be thought of as the alternate U.S. rating system. It is important to understand that the rating

---

<sup>3</sup> See *CEA Petition* at 5.

<sup>4</sup> *Second DTV Periodic R&O*, at ¶ 156.

system itself or the Rating Region Table need not be known or specified at this time, and it can be changed in the future. Rather, it is the **region code itself** that must be known in advance by the television receiver so that the appropriate user interface can be designed. Television receivers then can be designed to filter PSIP packets for rating region 0x01 and the alternate rating region. When the alternate rating region is seen, the television also stores its associated, and theretofore unknown, Rating Region Table and uses that information to generate the necessary user prompts for desired program blocking levels. The proposed alternate U.S. rating region is 0x05, for which CEA has requested registration through ATSC's codepoint registry.

### **Commenters Mischaracterize CEA's Proposed Clarification of the FCC Rules Regarding New V-Chip Functionality**

Regrettably, the Coalition for Independent Ratings Services ("CFIRS") has completely mischaracterized the nature of CEA's petition.<sup>5</sup> It is not that CEA members wish to undermine the flexibility in rating systems the Commission seeks, rather, they seek to implement this flexibility while maintaining some semblance of usability. No product of any kind can be built against open-ended requirements, and the public is not served by creating a system that is so complicated as to render it unusable.

Before filing its petition, CEA first sought to understand the issue that the Commission wanted to resolve. Once understood, television manufacturers then could determine how much capability in terms of additional memory, processing, and user interface complexity should be built into television sets, while meeting the Commission's goals. The Commission made clear that the issue to be resolved was the "fixed" nature of

---

<sup>5</sup> Comments of the Coalition for Independent Ratings Services (filed January 21, 2005) ("CFIRS Comments").

rating region 0x01 and its view that DTVs should be able to process an additional unknown rating region table.

CEA agrees with the Commission that the requirement to process an additional unknown rating region table solves the “fixed table” problem and that it has complete flexibility to accommodate the independent rating systems envisioned by CFIRS.

This as-yet-undefined rating region table, however, is the blank slate that CFIRS seeks and mistakenly believes is lost in CEA’s petition. Apparently, CEA’s request to specify the rating region **code** has been confused by commenters who believe that CEA’s request would somehow limit the rating systems that can be transmitted in the rating region **table**. Specifying rating region codes in advance has always been the intended approach in the PSIP system. Doing so allows the receiver to pull the correct rating information simply by knowing in what region the receiver is operating. This feature is critical to the usability that CEA members seek to maintain. In short, DTVs that are compliant with the proposed rules in the U.S. will indeed process two rating region codes, with one being locked to the existing rating system (CEA-766-A) and the other being completely flexible to process whatever rating region table is delivered in the transport stream.

Further, Tim Collings, a director of Tri-Vision, asserts that there is no need for the rating region to be defined in the rule and that doing so would restrict the flexibility that the FCC said that it was attempting to ensure.<sup>6</sup> Tri-Vision’s assertion is effectively the same as CFIRS and is equally incorrect. Even a casual reading of ATSC A/65B

---

<sup>6</sup> See Opposition of Timothy Collings to the Petition for Clarification and/or Reconsideration by the Consumer Electronics Association, at 6 (filed November 22, 2004) (“Collings Opposition”).

makes it clear that rating regions are to be pre-assigned, as illustrated in A/65B, Section 6.4 Rating Region Table, as follows:

**rating region** — An 8-bit unsigned integer number that defines the rating region to be associated with the text in this rating region table section. The value of this field is the identifier of this rating region, and thus this field may be used by the other tables (e.g., MGT) for referring to a specific rating region table. Assignment of values for rating region is the responsibility of the ATSC, which shall be the registration authority. Contact ATSC for current assignment of values for rating region.

Richard Kahlenberg, in his Comments, notes that “[t]he CEA petition seems intent on introducing a very serious constraint on the technology available to broadcasters to meet their obligations to children and families.”<sup>7</sup> CEA assures Mr. Kahlenberg and the Commission that CEA’s members are fully meeting their obligations and commitments with respect to the V-chip. In fact, in its Reply Comments in the recent *Notice of Inquiry* regarding Violent Television Programming and its Impact on Children,<sup>8</sup> the National Association of Broadcasters (“NAB”) stated that the V-chip and television program ratings clearly have fulfilled Congress’s intent and that they serve as “tools for parents to use, if they choose, to monitor their children’s television viewing.”<sup>9</sup> As CEA stated in its Reply Comments,

“[n]umerous industries have worked together at great expense to provide an array of parental control resources. These tools are available and accessible. Whether or not parents choose to take advantage of the V-chip, program ratings system, or the abundant educational resources that are available to them regarding parental control is a personal choice.”<sup>10</sup>

CEA members stand by their record and commitment -- past, present and future -- to ensure that parents have the V-chip available to them. Whether or not

---

<sup>7</sup> See Comments from Richard Kahlenberg in Opposition to the CEA’s Attempt to Limit Flexibility in Parental Tools for Digital Television, at 5 (filed January 21, 2005) (“Kahlenberg Opposition”).

<sup>8</sup> *Notice of Inquiry*, MB Docket No. 04-261, FCC 04-175 (rel. July 28, 2004) (“*Notice*”).

<sup>9</sup> *Id.* Comments of the National Association of Broadcasters, at 10 (filed October 15, 2004).

<sup>10</sup> *Id.* Reply Comments of the Consumer Electronics Association, at 2 (filed November 15, 2004).

parents choose to use these resources is another matter not within CEA members' control.

Finally, CEA notes that the three commenters who oppose its petition are conspicuously absent from the hard work of the ATSC and CEA committees that created the necessary standards that allow V-chip to work at all. These standards-setting processes are open to all who wish to participate. CEA respectfully recommends that if these parties wish to discuss issues pertaining to the manufacturers on whom they seek to impose additional burdens, then they should actively participate in the standards-setting process.

#### **CEA Encourages the Commission to Accept Tri-Vision's Offer**

In its Petition, CEA requests that the Commission gather information from the relevant parties to ensure that the licensing terms that Tri-Vision offers comply with the Commission's long-standing precedent that its rules not sanction a monopoly or other competitive abuse through the patent process.<sup>11</sup> In his Opposition to CEA's petition, Mr. Collings states that "Tri-Vision is willing to negotiate with any interested parties and will do whatever is necessary to ensure that licenses are reasonable, non-discriminatory and fair and, to the greatest extent possible, mutually agreeable."<sup>12</sup>

In response to Mr. Collings's comments, CEA recommends that the Commission accept Tri-Vision's offer. To ensure that this offer is exercised in good faith, the Commission also may consider asking Tri-Vision to provide it with copies of all existing licenses and proposals to ensure that licenses are granted (1) on a non-discriminatory basis; (2) to all responsible parties; and (3) at reasonable royalties.

---

<sup>11</sup> CEA Petition, at 7.

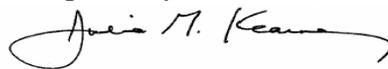
<sup>12</sup> Collings Opposition, at 5.

As discussed in its petition, CEA reiterates that parties who are interested in future ratings systems should become involved in appropriate standards-setting activities. These systems are complex and require considerable configuration and programming within the television community in order to ensure a positive consumer experience – the ultimate goal.<sup>13</sup>

### **Conclusion**

The views expressed by those parties who oppose CEA's petition clearly mischaracterize the nature of CEA's request. The public interest and the success of the DTV transition require that consumers enjoy the most efficient and economical tools available to them without additional cost or confusion. CEA respectfully requests, therefore, that the Commission proceed by clarifying its new rules regarding v-chip functionality, or in the alternative, to reconsider and amend its rules. Further, CEA requests that the Commission ensure that the licensing terms for any patent or patent(s) necessary to comply with the new rule be reasonable and non-discriminatory.

Respectfully submitted,



---

Michael D. Petricone, Esq.  
Vice President, Technology Policy  
Julie M. Kearney, Esq.  
Senior Director, Regulatory Affairs  
CONSUMER ELECTRONICS ASSOCIATION  
2500 Wilson Boulevard  
Arlington, VA 22201  
Tel: (703) 907-7644

January 31, 2005

---

<sup>13</sup> CEA Petition, at 9.

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid\*, or was hand-delivered, to the following:

Timothy Collings  
Canadian V-chip Design Inc.  
Simon Fraser University  
Burnaby, British Columbia  
Canada V5A 1S6

Richard Kahlenberg  
11109 Emelita Street  
North Hollywood, CA 91601

Patricia Paoletta, Esq.  
Damon C. Ladson  
Harris Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20036

Richard J. Parr, Esq.  
Bereskin & Parr Intellectual Property Law  
Counsel to Tri-Vision International Ltd.  
6440 Brookbend Drive  
Columbus, OH 43235

Najmul H. Siddiqui, CEO  
Tri-Vision International, Ltd.  
41 Pullman Court  
Scarborough, Ontario  
Canada M1X 1E4

  
Melissa Barker

January 31, 2005