

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)	
)	
Compatibility Between Cable Systems and Consumer Electronics Equipment)	PP Docket No. 00-67
)	

**COMMENTS OF QWEST
COMMUNICATIONS INTERNATIONAL INC.**

Qwest Communications International Inc. (“Qwest”) submits these comments with respect to the Federal Communications Commission’s (“Commission”) *Third Further Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ As a multi-channel video programming distributor (“MVPD”) Qwest has a substantial interest in this proceeding.² The Commission seeks comment on certain proposed standards to ensure bidirectional compatibility of digital cable television systems and consumer electronics equipment and seeks comment on whether any bidirectional compatibility standards adopted by the Commission should apply to all MVPDs. Qwest responds that wireline MVPDs using end-to-end asynchronous transfer mode (“ATM”) or Internet protocol (“IP”) delivery technology should not be subject to any rules regarding bidirectional compatibility between cable television systems and consumer electronics

¹ *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment*, Third Further Notice of Proposed Rulemaking, CS Docket No. 97-80 and PP Docket No. 00-67, FCC 07-120, rel. June 29, 2007 (“*Third FNPRM*”).

² Qwest presently has 21 cable franchises and provides nearly 60,000 subscribers with multichannel video service in Arizona, Colorado, Utah and Nebraska. Qwest also partners with DirecTV to offer Direct Broadcast Satellite (“DBS”) service to Qwest’s customers.

equipment because there are insufficient industry standards to support such rules at this time. With respect to ATM-based systems, the Commission should not consider any rules imposing standards regarding bidirectional compatibility because ATM-based systems are considered a transitional step to IP-based systems and are effectively capped in terms of technology and standards development. With respect to IP-based systems, given the early stage of technology and standards development, the Commission should not consider any rules imposing standards regarding bidirectional compatibility until industry standard-setting bodies have developed and proposed industry standards for these systems.

I. THE COMMISSION SHOULD NOT ADOPT BIDIRECTIONAL COMPATIBILITY REQUIREMENTS FOR ATM-BASED VIDEO DELIVERY SYSTEMS

Any rules imposing bidirectional compatibility standards for end-to-end ATM-based video delivery systems is unnecessary. It is unlikely that such industry-developed standards will come into existence as the delivery technology for these systems will likely be limited in application as this technology is replaced by IP-delivery technology. Thus, similar to analog systems, the Commission should exempt ATM-based systems from its rules implementing Section 629 of the Act.

Initially, in imposing its rules implementing Section 629, the Commission applied the rules to both analog and digital systems.³ Subsequently, however, the Commission reconsidered its application of the separable security requirement to analog systems and determined that it should not apply the requirement to analog systems but instead “should focus exclusively on the

³ *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices*, Report and Order, 13 FCC Rcd 14775, 14785-86 ¶ 27 (1998).

emerging market for digital devices.”⁴ The Commission determined that “the perceived lack of consumer demand would make manufacturers unlikely to manufacture and retailers unlikely to carry analog navigation devices” even if the Commission imposed its separation requirements on analog systems. The Commission also recognized commenters’ statements that such application would “result in unnecessary expenditures by MVPDs for a module that will soon be obsolete.”⁵

The same is true for end-to-end ATM-based systems. As a first-generation system for video delivery over fiber and traditional copper telephone wires, it is now being surpassed by movement in the industry to more standardized IP/Ethernet architectures to support switched digital video. These ATM-based systems are also an extremely small segment of the existing video delivery market.⁶ Given this, it is not a beneficial use of Commission or industry resources to subject end-to-end ATM-based systems to bidirectional compatibility standards.

II. COMMISSION ADOPTION OF BIDIRECTIONAL COMPATIBILITY REQUIREMENTS FOR IP-BASED SYSTEMS AT THIS TIME WOULD BE PREMATURE

Imposing bidirectional compatibility standards for IP-based systems before such industry-developed standards exist would be premature and would likely stifle the development of Internet protocol television (“IPTV”). IPTV is still a nascent technology. More time is needed to develop standards that are smart and cost-effective solutions. Industry efforts are now

⁴ *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices*, Order on Reconsideration, 14 FCC Rcd 7596, 7602-03 ¶ 13 (1999).

⁵ *Id.*

⁶ In its most recent annual report on the status of competition in the video delivery market the Media Bureau reported that as of June 2005 only 2.9% of all MVPD subscribers received their video services from a provider that was not a traditional cable or DBS provider. *In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Twelfth Annual Report, 21 FCC Rcd 2503, 2506-07 ¶ 8 (2006). End-to-end ATM-based systems are only a subset of this other provider group.

underway to address interoperability for IP-based video delivery systems. Given sufficient time, IPTV will reach the goals of interoperability and common reliance for IPTV navigation devices in a manner that will benefit video programmers, video distributors, consumer electronics manufacturers and most importantly, consumers.

In the meantime, even the Consumer Electronics Association (“CEA”) has recognized that IPTV is an “emerging technology” relative to quadrature amplitude modulation (“QAM”)-based digital cable, and that a national standard for IPTV separable security and interoperability “remains under development.”⁷ The QAM-based digital cable of traditional cable companies is at least a decade ahead of IP-based digital video technology. The Alliance for Telecommunications Industry Solutions (“ATIS”) just launched its Forum to focus on interoperability standards for IPTV in 2005.

Development of standards for IP-based video systems interoperability should not be rushed. The industry needs time for individual innovation for IPTV systems, before successful architectures and applications can be identified and used for standardization. Standards that are adopted without sufficient time for testing and analysis could result in the adoption of less-than-optimal standards that could retard innovation in the promising arena of IP-based delivery technology.

Industry efforts are underway to develop such standards. In September 2005, ATIS launched its IPTV Interoperability Forum and one of the Forum’s initial objectives is to develop

⁷ Comments of the Consumer Electronics Association on Two Requests for Clarification or Waiver of 47 C.F.R. § 76.1204(a) and (b), *In the Matter of Home Town Cable TV, LLC, Northeast Oklahoma IPTV Providers Requests for Clarification or Waiver of Section 76.1204(a) and (b), Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices*, CS Docket No. 97-80, filed July 26, 2007 at 5 (citation omitted).

interoperability standards and testing requirements of components in the video delivery network.⁸ The CEA has also formed the Technology and Standards IPTV Oversight and Coordination Committee (“OCC”) which completed its “IPTV Roadmap and Phase 2 Report” in February 2007 with the purpose of “[d]evelop[ing] a roadmap of standards enabling interoperability of CE devices in the home, especially devices that are part of a home network, with IPTV networks using a national standardized interface.”⁹ However, the IPTV standardization work to fill the gaps and move in the direction set by CEA IPTV OCC’s “IPTV Roadmap and Phase 2 Report” is still in the early stages of consideration. The Commission should give these and other standards development organizations and industry forums time to develop and propose bidirectional compatibility standards for IP-based video delivery systems, before it considers imposing any such standards on those systems.

III. NCTA’S AND CEA’S PROPOSALS SHOULD NOT APPLY TO VIDEO DELIVERY SYSTEMS THAT ARE NOT QAM-BASED

For the reasons already expressed, neither CEA’s nor National Cable & Telecommunications Association’s¹⁰ proposals should apply to ATM-based or IP-based video delivery systems. These proposals have been developed primarily, if not exclusively, for application to QAM-based video delivery architectures. As such they are not well-suited to alternative video-delivery technologies and any forced application of these standards to those alternative technologies is likely to severely hamper, if not eliminate, the beneficial development of those alternative delivery technologies. The Commission has implemented its navigation devices rules to encourage development of competition in the market for navigation devices.

⁸ See http://www.atis.org/Press/cutsheet/Atis_IIF_cut_2.pdf.

⁹ See <http://www.ce.org/Standards/CommitteeDetails.aspx?Id=000011030337>.

¹⁰ See *Third FNPRM* at Appendix C.

Yet, development of competition in that market should not be at the expense of competition in the market for delivery of video programming. The Commission should carefully consider how to best encourage development of competition in both markets.

IV. CONCLUSION

For these reasons, Qwest urges the Commission not to apply any rules for bidirectional compatibility on end-to-end ATM-based or IP-based video delivery technologies at this time.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be: 1) filed with the Office of the Secretary of the FCC via ECFS in CS Docket No. 97-80 and PP Docket No. 00-67; and 2) served via e-mail on the FCC's duplicating contractor, Best Copy and Printing, Inc. at www.bcpweb.com.

/s/Richard Grozier

August 24, 2007