

**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	)	
	)	
Compatibility Between Cable Systems and Consumer Electronics Equipment	)	PP Docket No. 00-67
	)	

**REPLY COMMENTS OF TIME WARNER CABLE INC.**

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Time Warner Cable Inc. (“TWC”) hereby submits these reply comments in response to the comments filed in the above-captioned proceeding.

**INTRODUCTION AND SUMMARY**

As TWC emphasized in its initial comments, any regulatory solution imposed by the Commission to promote commercially available navigation devices must embrace all multichannel video programming distributors (“MVPDs”). Regulatory mandates imposed solely on traditional cable operators would run afoul of Section 629, the Administrative Procedure Act, and the Constitution. In any event, such a myopic approach would fail to fulfill the congressional objective of creating a functioning retail market for two-way navigation devices. A broad array of commenters—including competing MVPDs, consumer electronics manufacturers, information technology companies, and public interest groups—agree that the Commission should focus on fostering the development of an all-MVPD solution. And the few commenters who openly espouse special treatment for preferred MVPDs advance only specious rationales for such disparate treatment.

The record also confirms that the OpenCable Platform proposal represents the only near-term basis for getting two-way navigation devices into the hands of cable consumers. The cable industry has relied on market-based agreements to develop the robust and forward-looking OpenCable Platform, and OpenCable devices are already being rolled out by cable operators, with commercially available devices to follow in 2008. While the Commission could not lawfully regulate traditional cable operators alone under Section 629, TWC supports the imposition of limited regulations to implement NCTA's OpenCable Platform proposal as long as the Commission extends comparable obligations to all MVPDs.

Finally, nothing in the comments remotely justifies imposition of the Consumer Electronics Association ("CEA") proposal, which centers on establishment of a new DCR+ framework. Even apart from the legal defects associated with that proposal, it would freeze innovation, upset consumer expectations, fail to advance the DTV transition, and compromise cable operators' continued access to high-value content. While CEA has now fleshed out some additional details of its proposal, it has failed to remedy these severe shortcomings.

## **DISCUSSION**

### **I. IF THE COMMISSION SEEKS TO IMPOSE MANDATES TO PROMOTE COMMERCIAL AVAILABILITY, ANY REGULATORY SOLUTION MUST ENCOMPASS ALL MVPDS.**

In light of the plain language of Section 629 and the competitive MVPD marketplace, any regulatory mandate designed to promote the commercial availability of two-way navigation devices must embrace all MVPDs. A diverse array of commenters agree that, whether through development of a universal, platform-agnostic solution or of separate, platform-specific solutions, Section 629 compels such a result. While AT&T and DirecTV favor special exemptions for themselves, they cannot remotely justify such preferential treatment. Moreover, while some parties express concern that creating a universal all-MVPD solution would entail

significant delays, TWC will continue rolling out OpenCable Platform technology at headends nationwide irrespective of the outcome of this proceeding. Indeed, TWC already has deployed OpenCable at more than two-thirds of its cable headends, and has now placed more than 100,000 OpenCable set-top boxes in service. As a result, the CE industry will be able to manufacture and market OpenCable devices while the details of any platform-agnostic solution are under discussion or while other MVPDs develop distinct solutions.<sup>1</sup>

**A. A Broad Array of Commenters Recognize the Need To Foster the Development of a Two-Way Solution That Embraces All MVPDs.**

Commenters representing all segments of the MVPD supply chain recognize that creating a functioning retail market for two-way devices, consistent with applicable law, requires a solution that encompasses all MVPDs. While the details of these commenters' positions vary, there is an emerging consensus that focusing exclusively on the availability of cable navigation devices is not a viable means of implementing Section 629.

For example, although Verizon labors under the misimpression that traditional cable operators would somehow *benefit* from being uniquely burdened by costly regulatory mandates,<sup>2</sup> it appropriately recognizes that two-way plug-and-play compatibility standards should apply evenhandedly to all MVPDs. Specifically, Verizon urges the Commission to “endorse and encourage ongoing industry efforts, open to participation by all providers, to develop technical standards for two-way plug-and-play that are technology- and platform-agnostic and that do not

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<sup>1</sup> For example, Panasonic has announced that will introduce a fully interactive, OpenCable-based digital television in 2008. *See* Panasonic Comments at 1-2.

<sup>2</sup> *See* Verizon Comments at 8-11. Moreover, as discussed further below (*see* Section II), the cable industry's support for an all-MVPD solution is not intended to foist the OpenCable Platform on Verizon or other fiber-based MVPDs, as Verizon appears to fear. *See id.* at 9. Rather, any “platform-agnostic” gateway interface would have to accommodate different network interface devices—each tailored to the respective technological platform in use—in light of MVPDs' varying network architectures and their need to maintain system security using proprietary technology.

advantage any type of video provider over any other.”<sup>3</sup> TWC agrees with Verizon that any such solution—in stark contrast to CEA’s proposal—should be “forward looking and allow for new technological advancements and services . . . .”<sup>4</sup> Codification of static technical standards can only impede innovation in the rapidly evolving MVPD marketplace.<sup>5</sup>

EchoStar likewise recognizes the need to foster an all-MVPD solution. It accordingly “supports a new industry-wide dialogue seeking to develop a comprehensive all-MVPD navigation solution that takes into account the unique characteristics of each MVPD platform technology.”<sup>6</sup> EchoStar posits that a “separate security device” (“SSD”) should serve as a starting point for such discussions, noting NCTA’s similar proposal.<sup>7</sup> TWC agrees that the SSD concept deserves careful consideration as the Commission works to secure the competitive availability of navigation devices for the entire MVPD marketplace, and it also agrees that any such device “should support the compression and modulation technologies of all industries.”<sup>8</sup>

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> Incongruously, while Verizon faults the cable industry (without basis) for seeking to compel non-traditional cable operators to embrace the OpenCable Platform, it turns around and suggests that cable operators should be bound by *IPTV-centric* standards under development by ATIS. Verizon Comments at 5-8. Such an approach would be no more appropriate as the basis for an all-MVPD solution than the cable-centric framework Verizon decries. For example, just as Verizon cites its own inability to rely on an RF return path without redesigning its network, *id.* at 9-10, forcing cable operators to utilize an IP-over-Ethernet return path at a minimum would impose enormous costs and in many cases would be technically infeasible within any reasonable timeframe. The cable industry’s recent agreement to enable use of DCTP-IP for *home networking* is a red herring, *see id.* at 4 & n.3, since that says nothing about cable operators’ ability to employ IP-over-Ethernet within their hybrid fiber-coax *distribution plant*.

<sup>6</sup> EchoStar Comments at 5.

<sup>7</sup> *Id.* at 5-6.

<sup>8</sup> *Id.* at 5.

The willingness of these competitors to undertake the burdens of developing new equipment compatibility standards and protocols underscores the new marketplace reality that a solution designed for a single platform will not serve consumers' (or providers') long-term interests.<sup>9</sup> As TWC has discussed, with one in three consumers of MVPD services purchasing video offerings from DBS operators, the BOCs, and others, many consumers will shun devices that are compatible only with a particular provider's services or with one technology platform.<sup>10</sup> A coalition of public interest groups led by Public Knowledge agrees that consumers would benefit most from an all-MVPD solution. The coalition further recognizes that "[c]hanges in the competitive landscape no longer justify a regulatory disparity between cable and DBS services" and that telco video providers "do not require more favorable regulatory treatment than that received by cable operators."<sup>11</sup>

Consumer electronics and information technology companies, filing individually and through trade associations, have also recognized the value of an all-MVPD solution.<sup>12</sup> The Computer and Communications Industry Association ("CCIA") "recommends that eventually all MVPDs, including DBS and wireline (telephone company) providers[,] should be subject to the rules the Commission adopts to promote bidirectional compatibility . . . [and that] [i]deally . . . consumers should be able to freely move their digital equipment from one video platform to

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<sup>9</sup> In addition, as TWC has explained, even an all-MVPD solution would be inadequate if CE manufacturers are not required to make compliant devices commercially available. *See* TWC Comments at 18-21.

<sup>10</sup> *Id.* at 10-16.

<sup>11</sup> Comments of Public Knowledge *et al.* at 5.

<sup>12</sup> *See* Consumer Electronics Association ("CEA") Comments at 15-20; Computer and Communications Industry Association ("CCIA") Comments at 4; Intel Comments at 12; TiVo Comments at 27-28.

another at the same location”<sup>13</sup> CEA also has expressed a willingness to explore an all-MVPD solution.<sup>14</sup> Similarly, Intel notes that “developing platform requirements that can support multiple services is in the best interests of consumers and that multi-service platforms will drive the greatest innovation and competition in the market place for both services and for devices.”<sup>15</sup> Microsoft likewise supports the goal of applying Section 629’s mandate to all MVPDs.<sup>16</sup>

Consistent with this broad support for an all-MVPD solution, the Commission should focus on encouraging such industry-led developments, subject to Commission oversight. Even if the Commission declines to promote a universal, platform-agnostic solution of the sort championed by TWC, Verizon, EchoStar, and others, the Commission at least must extend comparable regulatory mandates to all MVPDs if it chooses to impose any cable-specific mandates at this juncture.

**B. Arguments Calling for Preferential Treatment of Non-Cable MVPDs Are Specious.**

In contrast to the widespread support for an all-MVPD solution, AT&T and DirecTV strive to justify special regulatory treatment. Their arguments are plainly unavailing.

AT&T attempts to elude regulation under a “new entrant” theory.<sup>17</sup> As a threshold matter, AT&T is hardly a “startup” in any meaningful sense, as its resources dwarf those of traditional cable operators. In any case, as a new competitor in the MVPD marketplace, AT&T faces *fewer* hurdles than more established providers in complying with Section 629, since it does not have an embedded base of set-top boxes to replace or any established leasing program to

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<sup>13</sup> CCIA Comments at 4.

<sup>14</sup> CEA Comments at 15-20.

<sup>15</sup> Intel Comments at 13.

<sup>16</sup> Microsoft Comments at 3.

<sup>17</sup> *See* AT&T Comments at 5.

which subscribers have long been accustomed. By the same token, since “IP video providers are just beginning to address a raft of technical standards questions,”<sup>18</sup> they should be able to develop such standards and engineer their networks to achieve commercial availability from the outset, in contrast to traditional cable operators’ need to replace existing network equipment and software to support compatible navigation devices.

Moreover, AT&T’s suggestion that IPTV providers have greater incentives than traditional cable operators to support commercially available navigation devices rings hollow.<sup>19</sup> Despite being unquestionably covered by section 629—which encompasses all MVPDs<sup>20</sup>—AT&T has *never* complied with the Commission’s existing rules and has not even bothered to seek a waiver that would justify its noncompliance. That the Commission has not yet seen fit to commence an enforcement action against AT&T does not excuse this violation. AT&T’s own flouting of the integration ban, together with its plea for an indefinite exemption from the

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<sup>18</sup> *Id.* at 9; *see also* Qwest Comments at 2 (noting “the early stage of technology and standards development” for IP-based systems).

<sup>19</sup> *See* AT&T Comments at 5.

<sup>20</sup> A federal district court recently found that AT&T is a “cable operator” under the Act, which of course makes it an MVPD. *See Office of Consumer Counsel v. Southern New England Tel. Co.*, Case No. 3:06cv1106 (JBA), 2007 WL 2175083 (D. Conn. July 26, 2007); *see also* 47 U.S.C. § 522(13) (defining MVPDs to include “cable operators” among other entities). In any event, AT&T previously has conceded that it is an MVPD subject to the regulations that apply to all other MVPDs. *See, e.g.*, Decision, *DPUC Investigation of the Terms and Conditions Under Which Video Products May Be Offered By Connecticut’s Incumbent Local Exchange Companies*, Docket No. 05-06-12, at 40 (Conn. Dep’t Pub. Util. Control June 7, 2006) (“According to [AT&T], it has not taken the position that, in offering IP-enabled video, it is not subject to any of the requirements of Title VI. Rather, as a MVPD, it will be subject to the Title VI obligations applicable generally to other MVPDs.”), attached to Letter from Jim Lamoureux, General Attorney, AT&T Services, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 04-36 (June 7, 2006).

commercial availability requirement of Section 629,<sup>21</sup> undermines its assertion that “there is no reason to believe that IP video providers will exhibit . . . reluctance to enabl[e] consumer availability.”<sup>22</sup> To the contrary, if AT&T’s past conduct is any indication, there is *every* reason to believe that it would prefer to provide consumers with set-top boxes at low lease rates featuring proprietary technology, rather than compel the expensive purchase of a navigation device at retail.<sup>23</sup> Upfront subsidization of expensive network equipment is a proven tool to entice consumers to purchase an unproven service provider’s offerings. AT&T’s purported interest in supporting navigation devices at retail is further undercut by its unsupported claim that an all-MVPD solution would be “completely impracticable.”<sup>24</sup>

In short, all of AT&T’s claims of entitlement to preferential treatment fall flat. In light of the “promising start to the negotiations among AT&T, Microsoft, the consumer electronics industry, and other stakeholders,”<sup>25</sup> AT&T (and other telco video providers) should have no difficulty complying with Commission mandates, if the Commission were to impose any in this proceeding.

Nor can DirecTV justify any exemption from regulation pursuant to Section 629. The exemption that DirecTV seeks to claim applies only to MVPDs supporting the use of navigation

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<sup>21</sup> AT&T Comments at 8-10 (arguing that it would be inappropriate for the Commission to apply an all-MVPD solution to AT&T or to adopt any IPTV-specific mandates). That remarkable request, together with the absence of any commercially available navigation devices, makes it hard to fathom AT&T’s assertion that it “is much closer to achieving Congress’ goals in Section 629 than digital cable systems.” *Id.* at 5.

<sup>22</sup> *Id.*

<sup>23</sup> Verizon’s recent request for a three-year waiver from the integration ban for high-definition DVR devices underscores the fact that new competitors do not want to provide commercially available navigation devices. *See* TWC Comments at 4 n.11.

<sup>24</sup> AT&T Comments at 9.

<sup>25</sup> *Id.* at 13. *See also* Verizon Comments at 6.

devices that “(i) operate throughout the continental United States, *and* (ii) are available from retail outlets and other vendors throughout the United States that are not affiliated with the owner or operator” of the MVPD system.<sup>26</sup> While DirecTV trumpets the Commission’s 1998 finding that the state of the marketplace for DBS equipment at that time justified exempting DBS operators from the requirements of Section 76.1204 of the Commission’s rules,<sup>27</sup> DirecTV fails to acknowledge that the facts have changed markedly in the near decade that has passed since that 1998 decision. In fact, contrary to DirecTV’s disingenuous assertion that “the underlying facts remain true today,” the company has migrated to a lease model for its set-top boxes,<sup>28</sup> thus preventing it from satisfying the relevant exemption criteria under the Commission’s rules.

In addition, if the Commission determines that Section 629 requires cable operators to support standardized interfaces *in addition to* making proprietary equipment available at retail, DBS operators must comply with the very same obligations. While it may well be true that the cable-centric proposals set forth in the FNPRM cannot work for satellite systems, as DirecTV asserts,<sup>29</sup> that does not change the fact that, as a matter of law and policy, any Commission mandates intended to ensure commercially available set-top boxes must apply to DBS providers

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<sup>26</sup> 47 C.F.R. § 76.1204(a)(2) (emphasis added).

<sup>27</sup> See DirecTV Comments at 3-4. See also 47 C.F.R. § 76.1204.

<sup>28</sup> See, e.g., DirecTV Second Quarter 2007 Form 10-Q, at 27 (“On March 1, 2006, DIRECTV U.S. introduced a new set-top receiver lease program. Prior to March 1, 2006, we expensed most set-top receivers provided to new and existing DIRECTV U.S. subscribers immediately upon activation as a subscriber acquisition or upgrade and retention cost in the Consolidated Statements of Operations. Subsequent to the introduction of the lease program, we lease most set-top receivers provided to new and existing subscribers . . . .”); Linda Moss, *DirecTV’s New Lease on Life*, MULTICHANNEL NEWS, Jan. 23, 2006, <http://www.multichannel.com/article/CA6301293.html?industryid=47202> (“Adopting a strategy used by cable operators, DirecTV Inc. in March [2006] will begin leasing its set-top boxes and digital-video recorders to its customers instead of selling them.”).

<sup>29</sup> DirecTV Comments at 5.

as much as to cable operators. Indeed, as EchoStar recognizes, the absence of any DBS-specific plan underscores the need for a “new industry-wide dialogue.”<sup>30</sup>

**C. Development of an All-MVPD Solution Will Not Delay the Commercial Availability of Two-Way Cable Plug-and-Play Devices.**

While CEA and allied parties express limited support for an all-MVPD solution, they articulate the concern that pursuing such an objective might derail efforts to develop a two-way plug-and-play framework for traditional cable services.<sup>31</sup> Leaving aside the legal deficiencies inherent in CEA’s effort to single out cable operators for unique regulatory burdens, CEA’s priorities will be met through the ongoing deployment of the OpenCable Platform. As discussed in TWC’s opening comments, the OpenCable Platform proposal represents the only way to get two-way plug-and-play devices into the hands of cable subscribers in the near future. Because the cable industry has made clear its unqualified support for the OpenCable Platform and already has made substantial progress in deploying OpenCable Platform technology at cable headends, further efforts to develop an all-MVPD solution—and making such an approach the focal point of any Commission mandate—would not detract from the more limited goal of ensuring the commercial availability of interactive *cable*-ready devices. By contrast, if the Commission sought to implement CEA’s still-incomplete proposal, that would entail substantial delays before DCR+ devices could be made available, even apart from the many other defects that proposal entails. Indeed, aside from the need to develop new standards, the CEA proposal would require costly and time-consuming efforts to sort out various intellectual property rights, a process that the CEA proposal simply ignores.<sup>32</sup>

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<sup>30</sup> EchoStar Comments at 5.

<sup>31</sup> See, e.g., CEA Comments at 20.

<sup>32</sup> See NCTA Comments at 43-45.

## II. THE RECORD CONFIRMS THAT THE OPENCABLE PLATFORM WILL DELIVER SIGNIFICANT BENEFITS IN THE NEAR TERM.

As TWC explained in its opening comments, the OpenCable Platform will promote innovation, fulfill consumer expectations, and continue the flow of high-value content over cable systems, all while avoiding the legal defects associated with the CEA proposal.<sup>33</sup> Not surprisingly, Comcast and NCTA echo and elaborate on these points,<sup>34</sup> but cable operators are not alone in their support for the OpenCable Platform and its many benefits. Most notably, leading CE manufacturers support the OpenCable Platform proposal. Panasonic, for example, recognizes the “important impact” OpenCable will have “on the national transition to digital broadcasting,” as well as additional “benefits to consumers and all industry stakeholders.”<sup>35</sup> Samsung touts OpenCable’s capability to bridge the “diverse software used across cable systems nationwide” by providing “assured compatibility” between interactive cable services and retail devices.<sup>36</sup>

Comments by content providers highlight the importance of the OpenCable Platform proposal’s incorporation of content-protection elements, including selectable output control functionality and its assurance that only secure output technologies will be approved. Without such measures, cable operators’ access to high-value content would be jeopardized. Indeed, the Motion Picture Association of America, Paramount Pictures, Sony Pictures Entertainment, Twentieth Century Fox, Universal City Studios, Disney, and Warner Bros. joined forces to emphasize their vital interest in protecting content distributed by MVPDs. These parties make clear that, while the CEA proposal leaves many questions unanswered, the OpenCable Platform

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<sup>33</sup> See TWC Comments at 22-25.

<sup>34</sup> See generally Comcast Comments; NCTA Comments.

<sup>35</sup> Panasonic Comments at 2, 5.

<sup>36</sup> Samsung Comments at 2, 3.

proposal appropriately “includes modern tools of interactive content delivery, presentation and protection, all of which can be exercised through marketplace negotiations, subject to any rules that the FCC may promulgate.”<sup>37</sup>

Moreover, notwithstanding CEA’s efforts to force cable operators to develop new protocols and standards for limited-functionality DCR+ devices, CEA’s proposal would embrace the OpenCable Platform (albeit with unacceptable restrictions and modifications) for “advanced” interactive devices. That common ground should not be overlooked as parties focus on points of disagreement. As Panasonic notes: “While there remain many differences between the two industries[’] (*i.e.*, cable and CE) lobbying positions, one thing is clear: there is a consensus that [OpenCable]-enabled products present a real, near-term solution . . . .”<sup>38</sup>

Finally, while DBS operators and telco video providers argue at length that the OpenCable Platform proposal should not be imposed on other MVPDs,<sup>39</sup> such complaints take aim at a straw man. While TWC, Comcast, and NCTA all support the OpenCable Platform proposal as well as the extension of any commercial availability mandates to all MVPDs, cable operators have *not* sought to foist OpenCable Platform technology on non-cable MVPDs. To the contrary, as TWC’s opening comments made clear, the cable-centric nature of the OpenCable Platform proposal is a product of the Commission’s unjustified exclusion of DBS operators and telco video providers from its efforts to date to implement Section 629, as well as its specific request for proposals to achieve commercial availability for cable plug-and-play devices.<sup>40</sup> TWC

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<sup>37</sup> Comments of MPAA *et al.* at 24.

<sup>38</sup> Panasonic Comments at 10. *See also* Samsung Comments at 1 (describing the OpenCable Platform as the “crucial element in common” between the NCTA and CEA proposals).

<sup>39</sup> *See, e.g.*, DirecTV Comments at 5-10; Verizon Comments at 8-12.

<sup>40</sup> *See* TWC Comments at 3-4, 6-7.

agrees with other commenters that any all-MVPD solution will have to accommodate the divergent technologies employed by competing MVPDs.

### **III. CEA CANNOT OVERCOME THE FATAL LEGAL AND POLICY FLAWS INHERENT IN ITS PROPOSAL.**

Finally, the CEA proposal is fatally flawed for all the reasons set forth in TWC's and NCTA's opening comments, and nothing in CEA's or its allied parties' comments or proposed technical standards and specifications remedies those fundamental defects. TWC joins in NCTA's detailed response to those new submissions and here only touches on a few of the irremediable problems with the CEA proposal.

Perhaps most significantly, the CEA proposal would destroy incentives to innovate by freezing cable services in place, requiring approval by CE manufacturers or the Commission before OpenCable could be modified, and stripping out and disabling interactive cable services, among other things. Congress made clear that the Commission should take care to avoid "freezing or chilling the development of new technologies and services,"<sup>41</sup> and numerous commenters recognize the vital importance of this principle. For example, Verizon notes that "[i]nnovation in the deployment of video services is happening at a fantastic rate," and the Commission therefore should "encourage and endorse industry efforts to develop technical standards for bidirectional compatibility that allow the maximum amount of flexibility . . . ."<sup>42</sup> Comcast likewise catalogues the many ways in which the CEA proposal would chill innovation

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<sup>41</sup> Telecommunications Act of 1996, Joint Explanatory Statement of the Committee of Conference, S. Conf. Rep. 104-230, 104<sup>th</sup> Cong., 2d Sess., at 181 (1996).

<sup>42</sup> Verizon Comments at 3-4.

and investment.<sup>43</sup> Moreover, Microsoft criticizes the CEA proposal to the extent it would permit disaggregation of video services, because that would threaten MVPDs' economic viability.<sup>44</sup>

These impediments to innovation ultimately harm the consumers who are supposed to be the beneficiaries of the Commission's actions under Section 629. The CEA proposal compounds the problem by inserting CE manufacturers in between cable operators and their subscribers, preventing consumers from receiving all of the interactive features they expect from their devices and from obtaining premium content to which cable operators will no longer have access.<sup>45</sup> The cumulative result is not just bad policy—it runs afoul of fundamental legal principles.<sup>46</sup> In particular, by empowering third parties to determine whether and to what extent cable operators' content and services reach their subscribers, the CEA proposal would violate the First Amendment.<sup>47</sup> In light of this and other constitutional and statutory infirmities that TWC has identified, the CEA proposal is a non-starter and should be rejected.

## CONCLUSION

For the foregoing reasons, and for all of the reasons set forth in TWC's opening comments, the Commission should oversee development of an all-MVPD solution for introducing two-way plug-and-play devices if it intends to adopt new regulations. If the Commission decides to promote technology-specific solutions, it should adopt NCTA's OpenCable Platform proposal and reject the fundamentally flawed CEA proposal, while requiring all non-cable MVPDs to develop alternative approaches that ensure commercial

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<sup>43</sup> See Comcast Comments at 18-20.

<sup>44</sup> See Microsoft Comments at 5-6.

<sup>45</sup> See TWC Comments at 26-30, 34-37.

<sup>46</sup> *Id.* at 37-40.

<sup>47</sup> *Id.* at 39-40.

availability within a comparable timeframe. The Commission should also apply any new regulations to consumer electronic companies directly.

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