

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

In the Matter of

Cablevision Systems Corporation)
Petition for Waiver of Section 76.630(a))
of the Commission's Rules As Applied) MB Docket No. 09-168
to Cablevision's New York City All-)
Digital Systems)

OPPOSITION OF ELGATO SYSTEMS, LLC

Our company is the leading vendor of products that permit watching of television on Macintosh computers. All of our TV tuner products support watching unencrypted digital cable. Should Cablevision's waiver prevail, our products would become unattractive to the majority of consumers who do not or are not capable of viewing broadcast television via antenna -- which is a problem especially in urban environments, where high buildings prevent clear reception and most apartment buildings are not equipped with roof top antennas.

On page 6 of Cablevision's petition, second paragraph, Cablevision state

"...establishing greater protections against piracy will provide programming content owners with greater assurance of protection for their high-value digital and HD content made available to over-the-air broadcast stations".

Does Cablevision have standing to speak for the content owners? And, HD over-the-air content is being sent over the air in unencrypted format. Thus, it needs no extra protection.

Our customers with access to digital unencrypted cable require the same unfettered access to local programming, be it in high definition or not. Cablevision's waiver would deprive our customers of this possibility.

In the same paragraph:

"...absent some mechanism for protecting digital broadcast content against the risks of Internet redistribution, higher value content will migrate to a more secure distribution tier".

We oppose this line of argumentation as it is speculative in nature. Furthermore, it will remain an option for local broadcast programming providers to license and broadcast “higher value” content, and negotiate such licensing on their own terms. In these negotiations, Cablevision has no standing to speak on behalf of broadcast programming providers.

Continuing in the same paragraph:

“Encrypting broadcast basic programming will ensure that broadcasts on that tier as as secure as programming on other, encrypted tiers and will ensure the continued robustness of the broadcast basic tier as a home for high value content.”

This argument is cynical and self-contradictory. Cablevision is saying that they are performing a favor to local broadcast programming providers, when in reality, they are only doing themselves a favor. Again, they have no standing here, and encrypting what is already available for free in unencrypted form over-the-air is inherently nonsensical.

Lastly, the Commission is surely aware that since the introduction of the all-digital requirement for all TV tuners sold in the U.S, the vast majority of television sets sold contain a tuner for unencrypted digital cable (also known as Clear QAM.)

Our PCTV products behave in the same way as these television sets. Disenfranchising the customers of our products would also disenfranchise all customers who are using the built-in capability of their television sets. The benefits of using the built-in capability of our products (and regular television sets) to change channels without requiring the often cumbersome and ugly installation of a set top box would be eliminated should Cablevision prevail.

Sincerely,

Adam Steinberg

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Adam Steinberg
Director, Product Line Management

Elgato Systems
900 Kearny Street, Suite 750

San Francisco, CA 94133

USA

+1 415 391 0310 x235 office

+1 415 215-2985 cell

adam@elgato.com