

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
International Comparison and Consumer)	GN Docket No. 09-47
Survey Requirements in the)	
Broadband Data Improvement Act)	
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Deployment of Advanced Telecommunications)	GN Docket No. 09-137
Capability to All Americans in a Reasonable and)	
Timely Fashion, and Possible Steps to Accelerate)	
Such Deployment Pursuant to Section 706)	
of the Telecommunications Act of 1996)	
)	
To: Office of the Secretary		

**REPLY COMMENTS OF SEZMI CORPORATION
NBP PUBLIC NOTICE # 6**

Sezmi Corporation (“Sezmi”) offers the following Reply Comments to the Commission’s *Public Notice* of September 23, 2009 regarding, *inter alia*, the process for evaluating potential reallocations to wireless broadband (as well as addressing certain of the comments filed with the Commission on October 23, 2009).¹ Sezmi has launched an end-to-end television service that leverages both existing ATSC digital television (DTV) and the Internet infrastructure in one video service offering. The service thus provides consumers with an affordable new way to access broadcast channels, cable channels, movies, and Internet video programming all delivered to the user’s television across DTV spectrum and the consumer’s home Internet connection.

¹ The Commission solicited these particular comments in Comment Sought on Spectrum for Broadband (NBP Public Notice # 6), *Public Notice*, DA 09-2100 (rel. Sept. 23, 2009) (“*Public Notice*”).

Innovators such as Sezmi are creating valuable services for the public, while fully embracing the digital transition and the use of the Internet. Sezmi urges the Commission to recognize that such innovation creates healthy competition in the marketplace and furthers the public interest.

Question 4: *What are the key issues in moving spectrum allocations toward their highest and best use in the public interest?*

Question 4(a): *How would the Commission determine that the public interest would be better served by reallocating spectrum from an existing service to wireless broadband service?*

I. INNOVATORS ARE USING THE BROADCAST SPECTRUM AND FURTHERING THE PUBLIC INTEREST.

Sezmi leverages both existing ATSC digital television (DTV) spectrum and the Internet infrastructure in one video service offering. Due to the inherent investment that already has occurred during the digital transition, Sezmi is able to deliver a value based offering targeted at consumers who are looking for more choices, better pricing, and increased functionality. Such consumers otherwise would be underserved by the current programming services in the marketplace. Furthermore, tens of millions of Americans either do not possess a personal computer or rely entirely on over-the-air broadcast service. For such consumers, Sezmi's platform provides a means to view Internet based content to which they would not otherwise have access, and combines that with over-the-air broadcast. Sezmi is now launching its television service and will continue its commercial expansion in 2010.

Sezmi's use of existing ATSC DTV infrastructure is critical in achieving an affordable value oriented television service offering. For example, Sezmi has engineered an innovative indoor digital reception system so that consumers not only can reliably receive all local broadcast television stations but they can also easily self-install the Sezmi service. Sezmi subscribers then access these channels using a set top box (STB) that can store up to 1000 hours of content. The

result is an offering that makes content instantly available for the consumer to watch, while not overloading the consumer's Internet connection.

Because its service is affordable and no personal computer is required, Sezmi believes that a greater number of households will gain access to Internet video content. Besides the ATSC DTV spectrum, Sezmi utilizes the consumer's home Internet connection to offer web based video services. The services are delivered directly to the consumer's home television, thus avoiding the need for a personal computer. In this way the service helps bring more households into the digital era by providing both traditional broadcast television and Internet video service in a usable form to those perhaps unable to afford typical subscription services or personal computers.

Sezmi believes the increased accessibility to broadband video squarely addresses a fundamental broadband adoption problem. While broadband video consumption continues to grow, the number of households that benefit from this development is not growing as quickly. The Commission believes that the primary barriers non-adopters face include: affordability of service, affordability of hardware, insufficient digital and technical literacy levels, and unawareness of the personal relevance and utility of broadband technology and online content.² The Sezmi service can help overcome these adoption barriers. With Sezmi's combination of over-the-air television reception and a broadband network, consumers can conveniently and affordably receive online content and other emerging forms of diverse media content on a screen they already own – the television.

Sezmi believes that use of the existing ATSC DTV infrastructure to provide advance entertainment and information services is the best use of spectrum in the public interest. During

² See Comment Sought on Broadband Adoption (NBP Public Notice # 16), *Public Notice*, DA 09-2403 (rel. Nov. 10, 2009).

much of the DTV transition, subscription-based cable and satellite providers were free to advance innovative digital services and change the media delivery landscape while broadcasters largely had to wait until analog television service terminated. This resulted in consumers having fewer alternatives and paying more for their subscription services. Only since the completion of the DTV transition in June have many television stations been able to reach full market coverage with their broadcast signals. Television broadcasters can and are making exciting and innovative use of their spectrum – just as the Commission hoped when it wisely gave them the flexibility to provide ancillary services.³ Sezmi is the first of many companies that will use the completed DTV transition as the tipping point for delivering innovative products and services that leverage the digital television spectrum to yield tremendous consumer benefits. Sezmi urges the Commission not to discount the full promise of the uses of broadcast spectrum just as they are emerging, and also to recognize that the television screen can be an affordable broadband portal that furthers the public interest.

Question 4(a): How should the Commission define what it means to use spectrum efficiently and productively in the public interest?

Question 4(a): How would the Commission determine that the public interest would be better served by reallocating spectrum from an existing service to wireless broadband service?

II. TELEVISION BROADCAST SPECTRUM USE IS THE MOST EFFICIENT MEANS TO DELIVER POPULAR VIDEO PROGRAMMING.

Sezmi believes it is uniquely qualified to comment on the efficiency of broadcast television spectrum and wireless broadband use. The Sezmi service relies on the combination of the over-the-air television reception and a broadband network. In developing its innovative

³ See Fees for Ancillary or Supplementary Use of Digital Television Spectrum, *Report and Order*, 14 FCC Rcd 3259 (1998).

technologies and service, Sezmi thoroughly analyzed how to deliver the full range of video programming. Its conclusions are reflected in the service offering, and the Commission should examine them.

With the Sezmi service, the most popular video programming is delivered via the over-the-air broadcast signal of a local television station. This undoubtedly is the most efficient means for delivering popular video programming, especially in light of the ever decreasing cost of programming storage. The Sezmi service affordably allows 1000 hours of programming storage, and inevitable technological advances will increase this capacity over time. Less popular, niche-oriented programming can be delivered more efficiently over broadband, thus allowing unique content to reach the individual viewer who wants it.

Sezmi uses both the broadcast and broadband delivery systems as they are best architected. Applying such an integrated model on a more global basis could allow the Commission to optimize efficient use of scarce spectrum. Integrated broadcast/broadband services will change the dynamics of spectrum use, and their popularity seems practically preordained. Utilizing broadcast architecture for delivery of popular video content not only is inherently more efficient than delivery by broadband (even at current levels of over-the-air broadcast reliance), but it greatly reduces the load on the broadband network. Sezmi urges the Commission to consider its model of combining broadcast and broadband – and especially the interplay of ever-decreasing storage price and ever-increasing storage capability – in defining efficient and productive spectrum use in the public interest.

Conclusion

Sezmi has launched an innovative and economical video programming service that relies on broadcast television spectrum to give consumers easy access to broadband content without the

need of a personal computer, thus potentially transforming the television receiver into an affordable portal that can eliminate barriers to broadband adoption. Sezmi optimally employs both broadcast and broadband delivery in an illustrative manner for a Commission attempting to evaluate what constitutes efficient and productive spectrum usage. Sezmi accordingly urges the Commission not to overlook the full promise of innovative uses of broadcast spectrum just as they are emerging.

Respectfully submitted,

SEZMI CORPORATION

/s/

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