Shirl Storm

From: James Assey [JAssey@NCTA.com]
Sent: Friday, March 12, 2010 1:44 PM
To: Mignon Clyburn
Cc: Rick Kaplan
Subject: head's up on today's filing
Attachments: 031210 09-51 Letter.pdf

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Federal Communications Commission
Office of the Secretary

Just wanted to give you both a heads up on the filing made that NCTA is making today articulating some consumer-oriented principles related to accessing video content. Happy to talk further should you have questions or comments.

Hope all is well.

James

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March 12, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: NBP Public Notice #27; GN Docket Nos. 09-47, 09-51, 09-137; CS Docket No. 97-80

Dear Mr. Chairman:

You have consistently expressed the view that one of the hallmarks of the Broadband Plan should be to support innovation across the board, and specifically in the video and Internet marketplace. I would like to take this opportunity to again express our support for a broad Commission proceeding that explores new cross-industry approaches to develop a fully-competitive and innovative retail video device marketplace. This is especially important now that four of the ten largest multichannel video providers are direct broadcast satellite and telephone companies which collectively serve nearly 40 million video households.

Our industry is committed to providing content to consumers where and when they want it, on all possible consumer devices, and for those devices to be innovative platforms for new applications. We want consumers to be able to buy video devices at retail and to know that cable content can be among their video sources. To that end, we offer the following consumer principles to which cable operators are committed and which we believe could serve as the foundation for Commission and inter-industry efforts.

1. *Consumers should have the option to purchase video devices at retail that can access their multichannel provider's video services without a set-top box supplied by that provider.*

2. *Consumers should also have the option to purchase video devices at retail that can access any multichannel provider's video services through an interface solution offered by that provider.*

3. *Consumers should have the option to access video content from the Internet through their multichannel provider's video devices and retail video devices.*

4. *Consumers should have the option to purchase video devices at retail that can search for video content across multiple content sources, including content from their multichannel provider, the Internet, or other sources.*

5. *Consumers should have the option to easily and securely move video content between and among devices in their homes.*

6. *Consumers should be assured the benefits of continuous innovation and variety in video products, devices and services provided by multichannel providers and at retail.*

7. *To maximize consumer benefits and to ensure competitive neutrality in a highly dynamic marketplace, these principles should be embraced by all video providers, implemented flexibly to accommodate different network architectures and diverse equipment options, and, to the maximum extent possible, serve as the basis for private sector solutions, not government technology mandates.*

We believe these principles should be implemented in ways that facilitate the deployment of different video device options in response to dynamic and varying consumer demands, rather than requiring that all devices include the same features for all consumers. It is also critical to accommodate the flexible use of different architectures – now existing or developed in the future – for accessing multichannel video provider services. These could include, for instance, set-back boxes, gateways, network interface units, or delivery from the "cloud" without the need for any dedicated receiving device. Therefore, we should allow for the possibility of ever more innovative devices while preserving alternative possibilities such as innovation in the network or the cloud which may lead to fewer or simpler devices in the home. None of us can predict with any certainty which is the better or more likely path and it is quite possible that multiple paths will emerge.

In addition, well-crafted solutions must account for how content providers license programming to distributors, how all video providers associate security, transactional, advertising, and promotional elements with their video products, how consumer electronics manufacturers and retailers build support for new product categories, what consumers are willing to buy rather than lease, and how to assure that solutions do not inadvertently handicap future innovation. Solutions must also assure that, as Internet content is delivered over the television, it is afforded all of the copyright protections that apply when it is delivered to the home computer.

We believe that the vision of a competitive and innovative marketplace described above is in complete harmony with the Commission's goals and with the Communications Act, and should serve as the foundation for Commission and industry efforts going forward. The Commission can play an invaluable role by bringing various stakeholders together in this important work. As you (and we) take next steps in developing and implementing these goals, you will have our active participation and our full support.

Sincerely,

/s/ Kyle McSlarrow

Kyle McSlarrow

cc: Marlene H. Dortch