

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

In the Matter of)
)
Request for Limited Waiver of)
Section 15.117 of the Commission's Rules to)
Permit the Marketing Of Digital-Only) MB Docket No. 10-111
Television Receivers Designed to Provide)
Mobile Television Reception)
)

**Comments of the
Consumer Electronics Retailers Coalition**

June 4, 2010

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The Consumer Electronics Retailers Coalition (CERC) files these Comments to support the Petition for Waiver filed by Dell Inc, and LG Electronics USA, Inc. (LG/Dell Petition). CERC is a coalition of the major retailers of consumer electronics products including Amazon.com, Best Buy, K-Mart, RadioShack, Sears, Target, Wal-Mart, and the leading industry trade associations – National Retail Federation (NRF) and Retail Industry Leaders Association (RILA). CERC strongly urges the Commission to grant the requested limited waiver of Section 15.117 of the Commission's Rules, 47 C.F.R § 117, to permit the manufacturing, importation, marketing and sale of television receivers without analog tuners which (1) receive mobile digital television transmissions made using the A/153 ATSC Mobile DTV Standard (A/153) or (2) at the manufacturer's option, which receive the A/153 standard *and* conventional DTV transmissions using the A/53 ATSC DTV Standard (A/53). CERC also supports LG and Dell's request that the Commission grant this waiver on expedited basis, in order to meet the 2010 Holiday

timeframe. These Comments provide background on CERC's interest in the digital transition, the importance of portable and handheld digital receivers televisions to consumers, and reasons why the Commission should grant this waiver quickly in order to meet this Holiday season.

As the Commission is aware, CERC's members played a critical role in the successful transition from analog to digital television and continue to play an important role to the U.S. economy by providing American consumers with the latest innovative consumer electronics products available. Since the transition to digital television, retailers have waited anxiously for the ability to sell portable and handheld digital television devices. The Commission should consider that during analog television, these products' predecessors were in effect the small handheld analog televisions that our customers used for many purposes and were among some retailers' best selling products. Consumers use these portable and handheld television devices for many important purposes – for leisure activities, such as camping, boating and sporting events, as well as for receiving important news and emergency information while mobile or without power.

Since the transition a year ago to digital television, there has been a decrease in the number of these products in the consumer electronics marketplace. As outlined in the LG/Dell Petition, manufacturers and retailers have been hamstrung by the Commission's current regulations requiring the inclusion of dual tuners. Yet, including an analog tuner in these smaller devices makes little economic or practical sense. The cost of including such a tuner in these devices could add to the price of the product to the consumer, while adding little value. Mobile analog service is virtually unavailable – only low power television stations (including Class A low power stations) and television transmitters still

broadcast in analog – and the Commission’s National Broadband Plan seeks a transition for these broadcasters of no later than 2015.¹ In contrast, and as explained in the LG/Dell Petition, many full-power broadcast stations are beginning to launch mobile DTV services and, as retailers, we believe enabling new consumer electronics products to receive such signals will be of significant interest and use to our customers. Perhaps of most interest will be the ability of our customers to receive digital television signals on the devices while they are “on the go” or in the event of loss of electrical power. CERC, therefore, agrees with LG and Dell that the granting of a limited waiver for the production of these products will serve the public interest.²

CERC also agrees with the limited scope of LG and Dell’s waiver request. CERC supports limiting the petition to television receivers capable of receiving mobile digital television transmissions made using the A/153 standard, and particularly supports the ability to also manufacture products that contain both A/153 *and* A/53 reception capability. We believe on this latter point that permitting manufacturers the ability to use both the A/153 and A/53 standards in these products will be critical to their popularity and practicality to consumers. While recognizing that these portable and handheld devices will be battery-powered and used mostly on a nomadic basis by consumers, it will be important to the consumer that they provide functionality and utility while stationary as well.³

¹ See LG/Dell Petition at pp 2-3; “Connecting America: The National Broadband Plan” at 84.

² LG/Dell Petition at pp 5-6.

³ For similar functionality and utility reasons, CERC also supports the statement in LG/Dell’s Petition that limited scope of this waiver should still permit these devices to include an external power supply for recharging and to provide power to the receiver on a limited basis.

Finally, CERC strongly supports LG and Dell's request that this waiver petition be considered on an expedited basis in order to accommodate the Holiday season. As the Commission knows, the success of new consumer electronics products is often dependent on Holiday sales. Typically, orders for products to be sold over the Holidays are placed with manufacturers at least 6 months in advance of when a retailer places the goods on its store shelves. Noting that this window of opportunity is already within that six month period, CERC urges the Commission to provide this waiver as quickly as possible so that manufacturers, retailers, broadcasters and most importantly, consumers can benefit from these new services and products before the beginning of 2011.

For all of the reasons stated in the LG/Dell Petition and for the reasons stated herein, CERC respectfully requests that the Commission grant this limited waiver of Section 117.

Respectfully submitted,

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Dated: June 4, 2010