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September 24, 2010

ELECTRONIC FILING

Sherrese Smith, Legal Advisor
Office of Chairman Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte*, CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Smith:

In our meeting on September 15, 2010, we discussed the problems faced by users of competitive set-top boxes who must use tuning adapters to access switched digital video ("SDV") signals. In this letter, we provide some statistics regarding customer dissatisfaction with tuning adapters used to access SDV signals.¹

Based on a survey conducted by TiVo, 30 percent of TiVo users in markets in which SDV is deployed say they are not satisfied with the performance of tuning adapters, while 26 percent say that are not satisfied with the tuning

¹ The figures provided herein are based on the responses of 530 TiVo Series3 customers in markets in which SDV is deployed. The survey was sent to 1700 TiVo Series3 customers in SDV markets. The high 31 percent response rate is indicative of TiVo's knowledgeable, early adopter customers. For example, 84 percent of responders were able to answer a question regarding when their cable provider started offering SDV. TiVo expects that average customers are more likely to be confused by the use and installation of tuning adapters than these knowledgeable survey responders.

adapters' appearance (a majority of whom cite the size of the tuning adapter and the need for an additional piece of equipment in their entertainment center). In written comments, 37 percent of survey respondents complained of reliability or performance of tuning adapters, citing problems relating to channels dropping off, slow tuning to channels, etc.

26 percent of users complained about the tuning adapter installation process, with this "not satisfied" group more likely to be among the 29 percent of survey respondents who relied on the cable company to install the tuning adapter. (69 percent of respondents self-installed their tuning adapters.) It is also worth noting that 74 percent of respondents noted that they began receiving SDV channels before they had a tuning adapter to access such channels, and that only 37 percent of respondents said that they heard about the need for tuning adapters from their cable providers. (59 percent said they read about the need for tuning adapters on the Internet.)

Finally, a telling statistic from the survey is that the percentage of TiVo Series3 users who use tuning adapters and who say they are "satisfied" with the performance of their TiVo device is 9 percent lower than the percentage of "satisfied" customers among all Series3 users (i.e., including those who live in areas where SDV has not been deployed). This nine percent drop in satisfaction for users using the same TiVo device is a significant number in a market in which TiVo's success depends on its ability to provide a product that is superior to the cable-provider DVR, and explains why TiVo has advocated for the superior IP backchannel approach of ensuring that users of competitive set-top boxes are able to access SDV signals.

Please direct any questions regarding this matter to the undersigned.

Respectfully,



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