



October 7, 2010

VIA ECFS

Ms. Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

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

Dear Ms. Dortch:

TiVo Inc. (“TiVo”) files this ex parte letter in response to an October 6, 2010 filing by the National Cable & Telecommunications Association (“NCTA”) in the above-captioned proceedings addressing self-installation of operator-supplied leased set-top boxes.

In its letter, NCTA asserts without support that 9 of the 10 largest cable operators “offer at least *some type* of self-install option to ... their *existing* customers for their traditional leased set-top boxes.” (first emphasis added). That has not been TiVo’s experience and, in any event, highlights the problem that as many as 9 of the 10 largest cable operators do not offer self-installation to new customers.

While the letter itself does not advance a particular policy proposal, TiVo surmises that NCTA provided these figures in support of its position that self-installation of CableCARDS should only be required in the limited instances where operators allow “some type” of self-installation of their own set-top boxes. TiVo urges the Commission to require all operators to provide consumers with the option to self-install CableCARDS and believes that the NCTA letter provides additional support for such a policy.

As an initial matter, if 9 of the 10 largest operators offer some form of a self-install option, with the 10th operator supposedly set to offer a self-install option soon, then there is no reason for NCTA to oppose a requirement that operators offer the option of consumer self-installation of CableCARDS. (If needed, the effective date for the requirement could be a couple of months in the future to allow all operators to have the necessary support systems in place.) If NCTA is advancing a position that CableCARD self-installation should be required only where an operator permits self-installation of its own leased set-top boxes, NCTA’s letter confirms that such a requirement would be inadequate and confusing to consumers.

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While NCTA's letter does not provide details, TiVo believes that most installations of leased set-top boxes and CableCARDS occur during the installation of new service. Allowing operators to effectively exempt initial installations from a self-installation option would deny the self-installation option for most installations since the NCTA admits that most operators do not allow self-installation for initial installations. While some "initial" installations involve installing one or more outlets, adjusting drop lines, signal levels and so on (i.e. new construction or switching MVPD providers), other "initial" installations merely involve activating existing cable (i.e. people moving homes). Where the installation involves installing outlets and drop lines, then the consumer will be instructed by the operator that they will need a professional installation and will decline the self-installation option. Consumers that have the necessary cable wiring in place should not be denied the self-installation option simply because customers who need cable wiring installed require professional installation. Self-installation is intended merely to be an "option" for consumers who do not need a professional installation. The option is not intended to foreclose professional installation when needed, requested, or desired by the consumer.

Moreover, unlike leased set-top boxes, CableCARDS were specifically designed for consumer self-installation. TiVo provides simple step-by-step instructions in all of its CableCARD products on how to install CableCARDS.¹ Recent statements by Comcast regarding CableCARD installation in some of their markets indicate that self-installation is not burdensome and can be implemented by other operators.² Again, if a consumer does not want to do a self-install, they can pay the cable operator to install the card as is typically the case today.

Please do not hesitate to contact me should you have any questions regarding this filing.

Respectfully submitted

/s/ Matthew Zinn

Matthew Zinn
Senior Vice President, General Counsel, Secretary & Chief Privacy Officer

cc: Eloise Gore
Dave Grimaldi

¹ These instructions were attached to an ex parte filing by TiVo in the above-captioned dockets dated October 6, 2010.

² Letter from Jonathan Friedman, Counsel for Comcast Corp., to Marlene H. Dortch, Secretary, FCC, CS Docket No. 97-80, PP Docket No. 00-67, at 1 (filed Oct. 1, 2010).