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October 7, 2010

ELECTRONIC FILING

Marlene H. Dortch, Secretary
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. Dortch:

This is to inform you that on October 6, 2010, Matthew Zinn, Senior Vice President, General Counsel, Secretary & Chief Privacy Officer, TiVo Inc. ("TiVo") and the undersigned met with Deputy Bureau Chief Robert Ratcliffe, Deputy Bureau Chief Michelle Carey, Nancy Murphy, Mary Beth Murphy, Brendan Murray, Alison Greenwald Neplokh, Jeff Neumann, Steve Broeckaert, and Lyle Elder, all of the Media Bureau..

We stressed arguments made by TiVo in the record in response to the *Fourth Further Notice of Proposed Rulemaking* in the above-captioned proceedings, FCC 10-61 ("*CableCARD FNPRM*"). Specifically, we stressed the following:

The Commission must ensure that cable subscribers who use retail set-top boxes have access to switched digital video (SDV) signals. TiVo emphasized that the IP backchannel approach remains the best solution to ensure access to SDV signals in terms of performance, convenience to consumers, and cost-effectiveness. The attached document provides more detail regarding TiVo's

position with respect to the various proposed solutions to ensure access to SDV channels.

With respect to consumer self-installation of CableCARDs, TiVo stressed that such installation must at minimum be an option for consumers who request it. 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. This is not surprising since CableCARDs were designed for consumer self-installation, and is consistent with TiVo's experience in providing support to its users – TiVo provides step-by-step instructions in all of its CableCARD products (see Attachment A) on how to install CableCARDs. As a recent filing by a consumer in this proceeding noted, CableCARD installation is easy enough that any able-bodied adult should have no problems completing self-installation.¹ If a consumer does not want to do a self-install, they can pay for a “professional” installation.

With respect to pricing discrimination against consumers who use competitive devices, the Commission should adopt a clear rule preventing such discrimination along the lines of the rule proposed by CEA/CERC. TiVo appreciates Comcast's recent statements regarding pricing discrimination, and notes that the adoption of a rule preventing pricing discrimination would urge other operators to follow suit.

During the meeting, staff asked for examples of unequal pricing imposed on users of retail boxes that are not imposed on users of leased boxes. In addition to consumers using retail boxes paying for leased set-top boxes that they do not receive as part of bundles/packages, we have observed from time to time consumers being subject to additional outlet charges, digital access fees or HDTV fees for using retail boxes as their sole cable outlet, as well as consumers being charged multiple additional outlet charges for using two CableCARDs in the same retail product. For example, Consumer A has one TV set with one TiVo DVR using one CableCARD (See cable bill excerpts filed in Attachment B). He is charged \$6.99 for an additional outlet. Consumer B has one TV set with one TiVo Series3 DVR using two CableCARDs. He is charged a \$6.99 additional outlet fee plus two High Definition TV service fees.

A retail market cannot develop if charges are applied unequally to retail boxes making them an economically unattractive option to interested consumers. For this reason, TiVo supports the CEA's proposed rule that no charges (other than a CableCARD lease fee) may be imposed on users of retail boxes that are not equally imposed on users of leased boxes.

¹ *Ex Parte* Letter from Phil Werry in CS Docket No. 97-80 (Sep. 24, 2010).

Finally, with respect to blanket waivers for HD-DTAs, TiVo noted that the record on this matter does not include any cost data to explain why CableCARD prices have not fallen despite the ongoing deployment of a high number of CableCARDS or to explain the cost differential between a DTA with integrated security and a DTA with separable security. TiVo also stressed the advantages of requiring common reliance on CableCARDS, which results in competition not only in the market for retail devices but also in the market for vendors supplying set-top boxes to cable operators.

Please direct any questions regarding this matter to the undersigned.

Respectfully,

A handwritten signature in black ink that reads "T. Devendra Kumar". The signature is written in a cursive style with a horizontal line underlining the name.

Henry Goldberg
Devendra T. Kumar
Attorneys for TiVo Inc.

cc: William Lake
Bob Ratcliffe
Michelle Carey
Nancy Murphy
Mary Beth Murphy
Brendan Murray
Alison Neplokh
Jeff Neumann
Steve Broeckaert
Lyle Elder

Solutions to Ensure Access to Switched Digital Video Signals

The Commission must ensure that cable subscribers who use retail set-top boxes have access to switched digital video (SDV) signals. Competition to cable-supplied equipment from retail navigation devices, as envisioned by Congress in Section 629 of the Communications Act, will not occur if users of competitive devices cannot access all the channels available to users of cable -provided set-top boxes.

TiVo supports a rule similar to that proposed by CEA/CERC that guarantees that users of competitive devices will have access to SDV channels:

[] A switched digital video operator shall not discriminate in terms and conditions, including with respect to channel availability, quality, customer service, and pricing, between subscribers with unidirectional digital cable products accessing switched digital video channels and subscribers with operator-supplied or bidirectional digital cable products, and shall not impose on subscribers with unidirectional digital cable products a separate charge for the means by which such access by such products is assured if no separate charge is imposed for providing access to switched digital video channels through operator-supplied equipment .

IP Backchannel

TiVo's IP backchannel approach remains the best solution – in terms of performance, convenience to the consumer, and cost-effectiveness – to ensure that users of retail set-top boxes can receive all linear channels which they have paid for, including channels delivered via SDV technology.

As TiVo has discussed in the record, an IP backchannel solution would not be difficult to standardize and deploy for both cable operators and competitive set-top box manufacturers. However, competitive device manufacturers need access to certain proprietary information, as well as a standardized approach to communicating with SDV servers that can be built in to devices. In order to ensure that an IP backchannel approach can be implemented and used by retail set-top boxes, the Commission should make clear that Section 76.1205 of its rules pertaining to the availability of interface information applies to signaling and other technical information required for communication between navigation devices and SDV servers in cable operator headends. This will ensure that all subscribers, including those that use retail navigation devices, can access channels delivered via switched digital video technology. Accordingly, TiVo recommends that the Commission amend Section 76.1205 as follows (revisions in italics):

§ 76.1205 Availability of interface information

Technical information concerning interface parameters that are needed to permit navigation devices to operate with multichannel video programming systems shall be provided by the system operator upon request in a timely manner. *Such technical information includes information needed to enable communications between the retail navigation device and the switched digital video server in the operator system headend to ensure that all retail navigation devices have access to all switched digital video channels.*

The *Report and Order* should state that the Commission expects that cable operators will work together with switched digital vendors and manufacturers of navigation devices on a continuing basis in an effort to adopt common standards for an IP backchannel approach.

Tuning Adapters

Should the Commission permit cable operators to continue to use Tuning Adapters to ensure access to SDV signals, cable operators that adopt this solution must: (1) ensure that tuning adapters are provided at no cost to the subscriber; (2) ensure tuning parity between the tuning adapters provided to subscribers and operator-provided navigation devices; and (3) support tuning adapters on a continuing basis. Tuning parity means that tuning adapters provided by cable operators must have at least the same number of tuners as the highest number of tuners in any operator-provided navigation device anywhere across the operator's footprint. For example, an operation should not be able to offer a six tuner DVR with SDV support but limit retail products to only four tuners.

The *Report and Order* should clarify that "support" includes an ongoing obligation to fix known problems, including software and other technical issues. Numerous comments filed by consumers in this proceeding, as well as reports by users of competitive devices such as TiVo, indicate that tuning adapters suffer from common problems such as channels dropping off, tuning adapters going into "sleep" mode, slow tuning to channels, etc. The *R&O* should make clear that cable operators should work with their vendors and manufacturers of navigation devices to promptly address such issues.

ATTACHMENT A

CABLECARD INSTALLATION INSTRUCTIONS PROVIDED BY TIVO WITH ITS RETAIL DEVICES



Installing your CableCARD™

Please save this sheet and present it to the installer upon arrival.
For installation help and more information, visit www.tivo.com/cablecard.

Before the installer arrives...

Here's what you need to do before the cable installer visits your home.

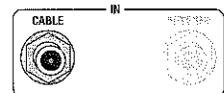
- 1 Set up your TiVo® Premiere or Premiere XL by following the instructions on the **Start Here** poster. **(You do not need a CableCARD for initial Premiere setup!)**
- 2 Complete the Premiere's on-screen Guided Setup. It's a good idea to complete Guided Setup a couple of days before the installer arrives to ensure that the TiVo Premiere receives any recent software updates. Once you complete Guided Setup, you'll be able to watch TV on non-encrypted channels while you wait for CableCARD installation.

Installation Instructions (for CableCARD Installer)

IMPORTANT: You will need one Multi-Stream CableCARD.

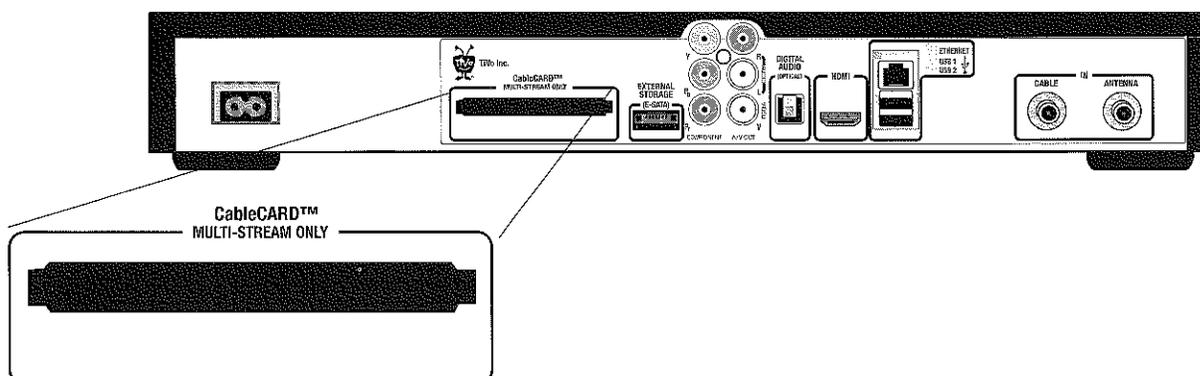
- 1 Write down the serial number of the Multi-Stream CableCARD decoder and any other information that the customer may need when contacting the cable provider in the future.

- 2 Confirm that the Coaxial cable from the wall is plugged directly into the **CABLE IN** jack on the back of the TiVo® Premiere.



- 3 Turn on the TV. Make sure that the correct TV input source is selected, so you see video from the TiVo Premiere. (If you're not sure, press the TiVo or GUIDE button on the TiVo® remote control to display a Premiere screen.)

- 4 Locate the CableCARD slot on the **back** of the TiVo Premiere.



Instructions continue on reverse.

Installation Instructions (continued)

5 Insert the Multi-Stream CableCARD™ decoder into the CableCARD slot.

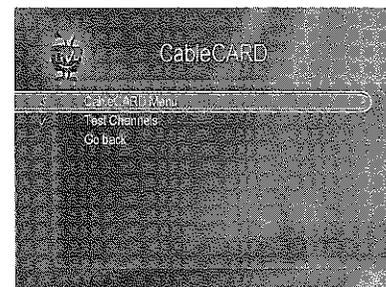
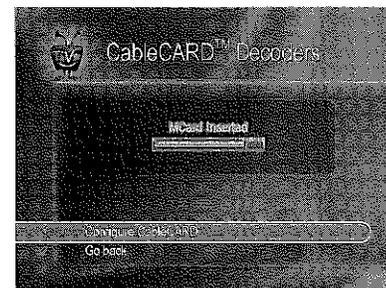
6 The CableCARD Decoder screen appears.

 **If you don't see the CableCARD Decoder screen**, follow the on-screen instructions until you do. (Guided Setup is in progress.)

7 From the CableCARD Decoder screen, select **Configure CableCARD**. Then select **CableCARD Menu**. From here, you can view data from the CableCARD, which you will need for activation.

 If you lose your place, press the TiVo button on the remote. From the **TiVo Central®** screen, select **Messages & Settings**, then **Settings**, then **Remote, CableCARD, & Devices**, then **CableCARD Decoder**.

If pressing the TiVo button does not take you to TiVo Central, remove the CableCARD and re-insert it to display the CableCARD screens.



8 Contact the cable company to activate or initialize the card.

9 Select **Configure CableCARD** from the CableCARD Decoder screen.

10 Select **Test Channels** to verify the card has been activated. **Be sure to test the customer's encrypted channels.** Performing a Channel Scan is not necessary.

11 Once you have confirmed that the customer is receiving all encrypted channels with optimal picture quality, you're finished!

SDOC-00111-004



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ATTACHMENT B

**EXCERPTS OF CABLE BILLS SHOWING UNEQUAL PRICING
FOR CABLECARD USERS**

Consumer A

*0000409

P O BOX 114 SAN JOSE CA 95103-0114
8770 1000 JW RP 04 02052009 NNNNNN

SUNNYVALE CA 94087-2044

February 04, 2009

PayDirect™ Notice



Account no. [REDACTED]

Contact us

Online at: www.comcast.com/support
Email or Live Chat: www.askcomcast.com/CA

24 Hour Service-Call 1-800-945-2288
717 East El Camino Real, Sunnyvale
Mon-Sat 830a-6p, 1030a every 3rd Thurs

Account Information

Thank you for your prompt payment. CDV service and Advanced Set Top Equipment may be subject to credit verification and deposit. We appreciate your business.

Demand more at Comcast

Did you know that in addition to great cable and high-speed Internet, Comcast provides home phone service as well? Sign up for Comcast Digital Voice® at www.comcast.com and start saving today.

This bill reflects a change in the FCC Regulatory Fee from \$0.06 to \$0.07.

Comcast is lending Cupid a helping hand this Valentine's Day, making it easier for singles to connect with someone to special with Dating On Demand. To view profiles of single men and woman anytime, go to On Demand>Lifestyle>Dating On Demand.

Summary *See the back for details*

Billed from 02/14/09 - 03/13/09

Previous balance	\$138.81
Payments received	-55.03
Unpaid balance	\$83.78
Comcast Cable Television	86.67
Comcast High Speed Internet	45.95
Comcast Digital Voice	-0.88
One-time charges and credits	-80.00
Taxes, surcharges, and fees	3.30

Total to be deducted \$138.82

Credit Card Charge Will Be Made On '03/01/09'

Visit us on the web at www.comcast.com

February 04, 2009

Acct no. [REDACTED]

SUNNYVALE CA 94087-2044

Total to be deducted

\$138.82



COMCAST
PO BOX 34744
SEATTLE WA 98124-1744

877010027204950200138826

8770 1000 JW RP 04 0000409 02052009 NNNNNN

Account no. [REDACTED]

Charge details

Previous balance	\$138.81
2/1 Credit Card Payment	-55.03



Comcast Cable Television \$86.67

2/14 - 3/13 Digital Preferred	16.95
Includes: Digital Classic, Music Choice, Digital Converter and Remote, if applicable.	
2/14 - 3/13 Standard Cable	59.95
Includes: Limited Basic and Expanded Basic Service.	
2/14 - 3/13 Dual C-card Dig Access	1.79
2/14 - 3/13 Service Protection Plan	0.99
2/14 - 3/13 Digital Addl Outlet	6.99
Includes: Digital Converter and Remote, if applicable.	

Cable Television monthly charges \$86.67



Comcast High Speed Internet \$45.95

2/14 - 3/13 CHSI Internet Mdm Lse	3.00
2/14 - 3/13 Performance W/Cable (6m)	42.95
Includes Your \$14/mo 2-product Discount. May Not Apply To Customers Currently On A Promotion.	

High Speed Internet monthly charges \$45.95



Comcast Digital Voice -\$0.88

Univ. Connectivity Chg. - Recurring	-0.33
Tot. Univ. Connectivity Chg.	-0.33
Regulatory Recovery Fees - Recurring	-0.55
Regulatory Recovery Fees	-\$0.55

The Regulatory Recovery Fee is not a government mandated charge. It defrays regulatory costs such as state universal services, relay services, and state/local utility fees.



Comcast Digital Voice (cont.)

View Voice Detail at www.comcast.com/viewbill



One-time charges and credits -\$80.00

1/8 Premier Bundle - Adjustment	-80.00
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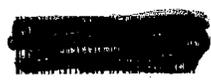


Taxes, surcharges and fees \$3.30

Cable Television	
Franchise Fee	2.35
FCC Regulatory Fee	0.07
PEG Fee	0.40
State and Local Sales Tax	0.30
Internet	
State and Local Sales Tax	0.25
Digital Voice	
911 Fee(s)	-0.07
Total to be deducted	\$138.82



Your Franchising Authority Is: City Of Sunnyvale P.O. Box 3707 Sunnyvale, CA 94088 Phone # 408-737-4999 FCC Unit #CA0208



FCC Digital Broadcast Transition Customer Notification

Due to the Nation's changeover to digital broadcasting, after February 17, 2009, a TV with only an analog broadcast tuner will require a converter box to receive broadcast channels over-the-air.

As a Comcast cable customer, this switch should not affect you, unless you have such a TV that is not connected to cable.

If you do, visit www.dtv2009.gov or call 1-888-DTV-2009 for information on subsidized converter coupons or contact www.dtv.gov or Comcast (at www.comcast.com/dtv or 1-800-COMCAST) to learn about your options.

The change will not affect how your analog TV functions with low power broadcast channels, gaming consoles, VCRs or DVD players.

Hearing / Speech Impaired Call 711 for Customer Service

Moving? Call 1-888-COMCAST

Consumer B

*0000903

597 E. CALAVERAS BLVD MILPITAS CA 95035-
8770 1000 JW RP 18 02192009 NNNNNN

[REDACTED]
[REDACTED]
SANTA CLARA CA 95051-4264

February 18, 2009

PayDirect™ Notice



✓ Indicates the Comcast services you subscribe to

Account no.

[REDACTED]
[REDACTED]

Contact us

Online at: www.comcast.com/support
Email or Live Chat: www.askcomcast.com/CA

24 Hour Service-Call 1-800-945-2288
597 E Calaveras Blvd, Milpitas
Mon-Sat 830a-6p, 1030a every 3rd Thurs

For service at
3681 Peacock CT Apt 7
Santa Clara CA 95051-4264

Account Information

Thank you for your prompt payment. CDV service and Advanced Set Top Equipment may be subject to credit verification and deposit. We appreciate your business.

Demand more at Comcast

Did you know that in addition to great cable and high-speed Internet, Comcast provides home phone service as well? Sign up for Comcast Digital Voice® at www.comcast.com and start saving today.

Are you outgoing? Come earn money with Comcast! We're hiring talented, driven and motivated Residential Account Executives. Visit www.comcast.com for details. Join Comcast in delivering the best products, most customer-friendly and reliable service in the market.

This bill reflects a change in the FCC Regulatory Fee from \$0.06 to \$0.07.

Summary *See the back for details*

Billed from 02/28/09 - 03/27/09

Previous balance	\$187.02
Payments received	-187.02
Comcast Cable Television	132.89
Comcast High Speed Internet	45.95
Taxes, surcharges, and fees	10.90

Total to be deducted \$189.74

Auto Bank Payment Will Be Made On '03/13/09'

Visit us on the web at www.comcast.com

February 18, 2009

Acct no. [REDACTED]

[REDACTED]
[REDACTED]
SANTA CLARA CA 95051-4264

Total to be deducted \$189.74



COMCAST
PO BOX 34744
SEATTLE WA 98124-1744

877010016045860900189746

8770 1000 JW RP 18 0000903 02192009 NNNNNN

Account no. [REDACTED]

Charge details

	Previous balance	\$187.02
2/13	EFT Payment	-187.02



Comcast Cable Television \$132.89

2/28 - 3/27	Digital Preferred Plus	51.95
	Includes: Digital Classic, Digital Plus, HBO, HBO Plex, Starz, Starz Plex, Encore, Encore Plex, Music Choice, Digital Converter and Remote, if applicable.	
2/28 - 3/27	Standard Cable	59.95
	Includes: Limited Basic and Expanded Basic Service.	
2/28 - 3/27	HDTV Additional Service	7.00
2/28 - 3/27	High Definition TV	7.00
2/28 - 3/27	Digital Addl Outlet	6.99
	Includes: Digital Converter and Remote, if applicable.	
	Cable Television monthly charges	\$132.89



Comcast High Speed Internet \$45.95

2/28 - 3/27	CHSI Internet Mdm Lse	3.00
2/28 - 3/27	Performance W/Cable (6m)	42.95
	Includes Your \$14/mo 2-product Discount. May Not Apply To Customers Currently On A Promotion.	
	High Speed Internet monthly charges	\$45.95



Taxes, surcharges and fees \$10.90

Cable Television		
	Franchise Fee	7.67
	FCC Regulatory Fee	0.07
	PEG Capital Fee	2.71
	State and Local Sales Tax	0.20
Internet		
	State and Local Sales Tax	0.25



Taxes, surcharges and fees (cont.)

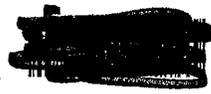
Total to be deducted \$189.74

Important Account Information

Beginning with the February 1, 2009 billing cycle, your bill will contain a line item in the fee section labeled "PEG Capital Fee". This PEG Capital Fee is a per month state franchise required fee that provides capital funding for educational, gov't and public TV equipment.



Your Franchising Authority Is: City Of Santa Clara City Hall 1500 Warburton Ave Santa Clara, CA 95050 Ph:(408)615-5570, CA0455



FCC Digital Broadcast Transition Customer Notification

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Hearing / Speech Impaired Call 711 for Customer Service

Moving? Call 1-888-COMCAST