



National Cable & Telecommunications Association

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November 9, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 10-91; CS Docket No. 97-80; PP Docket No. 00-67

Dear Ms. Dortch:

On November 8, 2010, representatives from the following Multichannel Video Programming Distributor (“MVPD”) companies and organizations met with Bill Lake, Chief of the Media Bureau, Michelle Carey, Nancy Murphy, Alison Neplokh, Mary Beth Murphy, Steve Broeckaert, Lyle Elder, Jeff Neumann, and Brendan Murray from the Media Bureau as well as Jim Carr and Susan Aaron from the Office of General Counsel.

American Cable Association (“ACA”) – Ross Lieberman
AT&T – Hank Hultquist
Cablevision Systems Corporation – Catherine Bohigian
Charter Communications – Christin McMeley, Paul Glist (counsel)
Comcast Communications – Jim Coltharp, Jonathan Friedman (counsel)
Cox Communications – Grace Koh
DIRECTV – Stacy Fuller
National Cable & Telecommunications Association (“NCTA”) – Rick Chessen, William Check, Neal Goldberg
Time Warner Cable – Cristina Pauzé
Verizon – Leora Hochstein, Will Johnson, David Young

We discussed the numerous issues raised in the Commission’s AllVid *Notice of Inquiry* (“NOI”) and it was repeatedly stated that MVPDs and the Bureau share the same overall objective – to allow consumers to obtain devices at retail that, in the words of Section 629 of the Communications Act, can be “used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.” In that regard, NCTA and its members referred to the video device *Consumer Principles* submitted by NCTA on March 12, 2010 which are in the record in this proceeding and which the Commission said are “largely supportive of [its] objectives in launching [the AllVid] proceeding.” *NOI* at ¶14.

In addition, we discussed the many developments underway in the video device marketplace – including several that have occurred even since the Commission adopted the *NOI* – that are increasing the choices available to consumers and advancing the goals of Section 629 and the National Broadband Plan. We also emphasized that there are numerous technical, business, and practical issues – as well as statutory, Constitutional, contractual and intellectual property issues-- that are raised by some proposals in the *NOI* proceeding and that those issues are both complicated and intertwined. We emphasized that until the Commission resolves these complicated issues, it would be premature for it to proceed with an NPRM.

We observed that Chairman Genachowski has recognized that one of the goals of any AllVid approach should be to “*preserve the integrity of the pay stream, while spurring greater innovation around it in new devices and services.*”¹ However, we noted that, contrary to the Chairman’s apparent vision, some commenters contemplate AllVid as a means to force the unbundling of the MVPD retail business and to convert MVPDs into wholesalers of programming for reuse and repackaging by retail equipment providers. In our meeting with the Bureau we emphasized that such an approach is fraught with legal, technical, business and practical problems and that, rather than “preserv[ing] the integrity of the pay stream” and the innovation around it, such an approach would undermine that integrity and innovation.

If you have any questions, please contact me.

Respectfully submitted,

/s/ Neal M. Goldberg

Neal M. Goldberg

cc: Bill Lake
Michelle Carey
Nancy Murphy
Alison Neplokh
Mary Beth Murphy
Steve Broeckaert
Lyle Elder
Jeff Neumann
Brendan Murray
Jim Carr
Susan Aaron

¹ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, Third Report and Order and Order on Reconsideration, CS Docket No. 97-80; PP Docket No. 00-67, FCC 10-181 (rel. October 14, 2010)(“CableCARD Order”), Statement of Chairman Julius Genachowski at 1(emphasis added). See also, *Genachowski Affirms Focus on Gateway Device, Spectrum Allocation*, Multichannel News, June, 3, 2010 available at <http://www.multichannel.com/article/453277-Genachowski-Affirms-Focus-on-Gateway-Device-Spectrum-Allocation.php>. (“FCC Chairman Julius Genachowski, continuing his campaign for a universal gateway device as his agency begins its examination of the topic, thinks that the ‘pay folks have a reasonable concern about doing this in a way that preserves the integrity of the pay stream.’”).