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Via Electronic Filing

April 1, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: Video Device Competition, MB Docket No. 10-91; Commercial Availability of Navigation Devices, CS Docket No. 97-80; Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67

Dear Ms. Dortch:

This is to notify you that on March 30, 2011, the undersigned, accompanied by Brian Markwalter, CEA's Senior Vice President, Technology and Standards; CEA counsel Robert Schwartz of Constantine Cannon LLP; Jeffrey Lawrence, Director, Digital Home and Content Policy, Intel Corporation and Seth Greenstein, Constantine Cannon, as counsel to Intel; Jeff Kardatzke, Chief Technology Officer, SageTV; and Jim Barton, Co-Founder, Senior Vice President and Chief Technology Officer and Matthew Zinn, Senior Vice President and General Counsel, TiVo, Inc.; met with Sherrese Smith, Legal Advisor to Chairman Genachowski, and Bill Lake, Chief of the Media Bureau.

In this meeting CEA and these corporate representatives ("CEA") urged the Commission to proceed with a standards-based AllVid rulemaking to implement Section 629 of the Communications Act. CEA noted that the congressional directive in Section 629 starts with these words (emphasis supplied): "The Commission shall, *in consultation with appropriate industry standard-setting organizations*, adopt regulations to assure the commercial availability" of navigation devices for MVPD programming and services.

CEA stressed that there is sound public policy behind Congress's requirement that the Commission's rulemaking be standards-based, rather than based on proprietary software implementations that are likely to conflict with each other regionally and nationally, and that can be revised by the proprietor with little regard for the consequences to competitive devices and consumers who invest in them. CEA noted that where the Commission has seen fit to rely on MVPD companies or controlled entities to exercise discretion as to the specifications, licensing, and certification requirements for competitive navigation devices, the result has been discrimination against such devices technically, economically, and in

messaging to consumers. The result, as documented in previous Commission Orders and by the courts, has been to put unfair and insupportable burdens on innovation, investment, and entry.

CEA noted that the approach taken in Recommendation 4.2 of the National Broadband Plan has attracted the interest of innovators and potential investors in a variety of technologies and services relevant to navigation devices because it is standards-based and thus relies on licensing and certification by entities *other* than by those who now control the market that these innovators would be seeking to enter. CEA urged that the main premise of the AllVid rulemaking should remain that products be licensed, tested, and certified according to a suite of standards that comprise a national and nationally portable interface to MVPD services, as envisioned in the National Broadband Plan.

Respectfully submitted,

/s/ Julie M. Kearney

Julie M. Kearney
Vice President, Regulatory Affairs

cc:

Sherrese Smith
Bill Lake