

ALLVID
Tech Company Alliance

June 23, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
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:

On June 22, 2011, the following individuals, representing the AllVid Tech Company Alliance, accompanied by the undersigned as counsel, met separately with Commissioner Michael Copps, Policy Advisor Margaret McCarthy, and intern Todd Watson; Commissioner Robert McDowell and Policy Director Christine Kurth; and with Paul de Sa, Chief of the Office of Strategic Planning and Policy Analysis: Parker Brugge, Director, Government Relations, Best Buy Co., Inc.; Milo Medin, Vice President, Access Services, and Megan Stull, Telecom Policy Counsel, Google Inc.; Adam Goldberg, consultant to Nagravision; James Morgan, Director and Counsel, Sony Electronics; Jennifer Blum, Drinker Biddle & Reath, on behalf of Alliance member RadioShack Corporation; and Jennifer Cetta and Jeffrey Turner, Patton Boggs LLP, a counsel to the Alliance. The meeting with Commissioner Copps was also joined by Julie M. Kearney, Vice President, Regulatory Affairs, of the Consumer Electronics Association (“CEA,” not a member of the Alliance).¹ On the same date, the same individuals (“The Alliance”), except for Ms. Blum, Ms. Cetta, and Ms. Kearney, met with the following members of the Media Bureau: Deputy Chief Michelle Carey, Associate Chief Nancy Murphy, Policy Division Chief Mary Beth Murphy, Chief Engineer Alison Neplokh, Steven Broeckaert, Jeffrey Neumann, and Brendan Murray.

The Alliance reported that the feasibility and the essential components of an IP-based national interface, based on private sector standards that can be discussed in public comments and referenced in regulation, have now been clearly and firmly established. Contrary to the intention and requirements of Section 629, however, technologies such as those recently demonstrated at the Cable Show are being used to further cause consumers

¹ Mr. Brugge and Mr. Turner did not attend the meeting with Commissioner McDowell; Ms. Blum and Ms. Cetta did not attend the meetings with Commissioner Copps and Mr. de Sa; Mr. Morgan did not attend the meeting with Mr. de Sa.

to rely on a single MVPD and on devices specifically purchased to receive content from one MVPD to the exclusion of others.²

There is no indication that the isolated and proprietary implementations of standard techniques, as recently demonstrated, can or will lead to a market for devices that can receive programming and services from more than a single MVPD operator. Nor is it evident or foreseeable that the ability of devices to receive programming from non-MVPDs can or will lead to open market competition, as required by Section 629, in devices that receive MVPD programming or services. Moreover, the trend to MVPD-tied devices can only dampen rather than enhance facilities-based competition. In short, unless the Commission proceeds with an AllVid rulemaking as intended in the National Broadband Plan, the markets for MVPD devices, and for MVPD programming and services, will remain essentially in the same condition they were in when the Congress enacted Section 629 in 1996, and when the Commission rightly *declined*, in 1998 and again in 2001, to accept the cable industry's offer to comply with Section 629 by making system-specific set-top boxes available at retail.³

The Alliance observed that, with IP-based technologies available, it is anachronistic and unacceptable, as MVPDs move toward IP-based program distribution, for the common “fallback” solution to portability and interoperability to be HDMI, which was conceived and – very successfully – implemented as a secure, one-way improvement on component analog transmission to displays. The Commission's insight in Section 4.2 of the National Broadband Plan was that, in an IP-based era, the common interface should link MVPD navigation through home networks that are IP-based and inherently two-way and interactive. The public release of DLNA's Commercial Video Profile,⁴ and other progress in private sector standards, makes it not only possible, but essential, for the Commission to take steps to implement the AllVid proposal in the National Broadband Plan, and to take those steps now. The Alliance urged the Commission not to settle for half measures that would Balkanize rather than integrate and connect services and devices.

² See, *In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Dkt. No. 07-269, Further Notice of Inquiry (rel. Apr. 21, 2011), Comments of the AllVid Tech Company Alliance (“Alliance Video Competition Comments”); Comments of the Consumer Electronics Association and the Consumer Electronics Retailers Coalition (“CEA-CERC Video Competition Comments”) (June 8, 2011).

³ CEA-CERC Video Competition Comments at 11-13 and notes 19 and 20. The Alliance requests that both the Alliance and the CEA-CERC Video Competition Comments be made a part of the record in Docket 10-91.

⁴ See, DLNA Advances Playback Of Commercial Video Across DLNA Certified Products, *Wall Street Journal Online*, May 23, 2011, <http://online.wsj.com/article/PR-CO-20110523-903685.html>. According to May 17 *ex parte* filings by DLNA in Docket 10-91, a confidential pre-publication version was delivered to the FCC on that date.

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This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules. The proceedings at issue are not restricted, therefore presentations are permitted but disclosure not required.

Respectfully submitted,

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Cc:

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