

September 16, 2011

VIA ECFS

Ms. Marlene H. Dortch
Federal Communications Commission (FCC)
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: CS Docket 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

I am filing this letter today as a concerned consumer to urge the Commission to intensify its oversight of the market for competitive navigation devices and its enforcement of its CableCARD rules. Specifically, in light of recent letters I received from Bright House Networks on September 6, 2011 and May 11, 2011 (copies attached), I urge the Commission to investigate whether discriminatory conduct by cable operators that led to the reform of the Commission's CableCARD rules continues today even after the revised CableCARD rules went into effect on August 8, 2011.

As a current user of retail navigation devices (a TiVo Series 3 product and a TiVo HD product) on the Bright House Networks cable system in Tampa, Florida, I am very familiar with the use of CableCARD devices and Tuning Adapters on the Bright House Networks cable infrastructure. This is the 2nd letter I have received from Bright House Networks indicating, "Unfortunately, your unidirectional retail device does not support bi-directional programming delivered onto the SDV system." This is in fact a very misleading statement by Bright House Networks since my Tuning Adapter makes receipt of SDV channels work in the same manner as a Bright House Networks provided set-top box.

I attempted to contact Bright House Networks to discuss the letter. I spoke with a Customer Service Representative and after putting me on hold for a few minutes; the representative came back on the line and told me that the letter does not apply to me. I asked her why they continue to send this type of letter to CableCARD users that already have Tuning Adapters. She indicated that their computer system wasn't sophisticated enough to distinguish between CableCARD-only customers and CableCARD customers with Tuning Adapters.

The letter does not even attempt to notify the consumer that a Tuning Adapter can be provided by the cable operator to make these SDV channels available to retail devices. It is likely that Bright House Networks is attempting to shift the retail cableCARD user back to an operator provided leased set-top box which offers a higher profit margin to the cable operator over the total life of the product.

My experience receiving this type of letter from my cable provider clearly demonstrates the use of SDV in an anticompetitive manner which flies in the face of the Commissions desire to spur competition in this area. This is a case where regulations that allow cable operators to restrict two way devices on their network hurts consumers.

While some consumer's like myself will continue to overcome these obstacles for superior products like the retail devices provided by TiVo, a truly competitive marketplace for retail navigation devices simply cannot develop as long as cable operators like Bright House Networks continue to engage in such discriminatory conduct in violation of the Commission's policies and the spirit of Section 629 of the Communications Act. TiVo and other retail cable box providers should be allowed to make and sell a two-way device and not be restricted to only being able to sell UDCP devices. This is a place where removing regulations and removing the ability of CableLabs to enforce those regulations would be beneficial to consumers. My experience exemplifies the challenges cable subscribers too often face in seeking to connect and operate retail boxes rather than operator provided set-top boxes and is no different from the experience that many consumers faced prior to adoption of the new CableCARD rules. I urge the Commission to revisit the retail navigation device rules with respect to SDV so the discriminatory behavior exemplified by Bright House Networks in the attached letter can be avoided in the future.

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

Respectfully submitted,



Samuel Biller
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Attachments

September 6, 2011

Dear Valued Customer,

Bright House Networks would like to thank you for choosing us as your video service provider. We are writing to you as a valued customer in order to provide advance notice of important upcoming changes that affect your ability to access certain programming on unidirectional retail devices.

Bright House Networks is rolling out a new digital video delivery technology in your area known as Switched Digital Video ("SDV"). SDV is a robust bandwidth-management system that makes it possible for us to offer more digital video programming services than ever before, including new HD channels.

In order to launch even more new video services, we are migrating some existing services to the SDV system which is a bi-directional platform. Unfortunately, your unidirectional retail device does not support bi-directional programming delivered over the SDV system.

Please be advised, therefore, on or after September 12, 2011, Bright House Networks will deliver the following package on the SDV system and this programming will no longer be available on unidirectional retail devices until further notice:

<u>Package</u>	<u>Channel Number</u>
American Life Network	channel 134
BBC America	channel 123
Bloomberg Television	channel 127
ESPN Deportes	channels 153 & 914
ESPNews	channel 150
ESPNU	channel 151
FLIX West	channels 115 & 372
FOX Soccer Channel	channel 120
Fuse	channel 132
G4	channel 124
Gospel Music Channel	channel 145
Great American Country	channel 133
HBO Latino	channels 207 & 895
HBO Latino West	channels 214 & 896
IFC	channels 113 & 384
InfoMás	channel 900
Logo	channel 147
MLB Network	channel 159
Nat Geo WILD	channel 148



Planet Green
Sundance
The Hub
Tr3
VH1 Classic

channel 108
channels 117 & 374
channel 102
channels 157 & 930
channel 138

If you wish to continue receiving the above services, you may contact Bright House Networks to obtain a digital set-top box or similar bi-directional device that is capable of supporting two-way communications with the SDV system. If you already have a digital set-top box on another television in your home, the services will remain on the channels listed above on those sets.

You may continue to use your unidirectional retail device with your Bright House Networks provided CableCARD to receive video programming other than the programming delivered on the SDV system. Bright House Networks will notify you in advance of any other programming changes.

Please contact us at 1-866-976-3279 if you have any questions.

We thank you again for choosing Bright House Networks.



May 11, 2011

Dear Samuel Biller,

Bright House Networks would like to thank you for choosing us as your video service provider. We are writing to you as a valued customer in order to provide advance notice of important upcoming changes that affect your ability to access certain programming on unidirectional retail devices.

Bright House Networks is rolling out a new digital video delivery technology in your area known as Switched Digital Video ("SDV"). SDV is a robust bandwidth-management system that makes it possible for us to offer more digital video programming services than ever before, including new HD channels.

In order to launch even more new video services, we are migrating some existing services to the SDV system which is a bi-directional platform. Unfortunately, your unidirectional retail device does not support bi-directional programming delivered over the SDV system.

Please be advised, therefore, beginning on or after June 14, 2011, Bright House Networks will deliver the following packages on the SDV system and this programming will not be available on unidirectional retail devices until further notice:

Channel Name:	Channel Number:	Channel Name:	Channel Number:
AmericanLife TV	134	Great American Country	133
BBC America	123	HBO Latino	207
Bloomberg TV	127	HBO Latino West	214
Bay News 9 en Español	154 and 900	IFC	113 and 384
ESPN Deportes	153 and 914	Logo	147
ESPNews	150	MLB Network	159
ESPNU	151	Nat Geo Wild	148
FLIX West	115 and 372	Planet Green	108
Fox Soccer Channel	120	Sundance	117 and 374
Fuse	132	The Hub	102
G4	124	Tr3s	157 and 930
Gospel Music Channel	145	VH1 Classic	138

If you wish to receive the above services, you may contact Bright House Networks to obtain a digital set-top box or similar bi-directional device that is capable of supporting two-way communications with the SDV system.

You may continue to use your unidirectional retail device with your Bright House Networks provided CableCARD to receive video programming other than the programming delivered on the SDV system. Bright House Networks will notify you in advance of any other programming changes.

Please contact us at **1-866-976-EASY** if you have any questions.
We thank you again for choosing Bright House Networks.

Sincerely,

Bright House Networks