

ALLVID

Tech Company Alliance

October 6, 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:

The AllVid Tech Company Alliance urges the Commission now to proceed with a Notice of Proposed Rulemaking in the above-captioned proceedings, toward the creation of a nationally-portable common IP-based interface from MVPD services to consumer devices. A nationally standard interface, based on the output of private sector standards organizations, as required by Section 629, can now be readily defined, discussed on the record, and implemented.

On September 20, on behalf of the Alliance, the undersigned filed a draft regulation that contains a complete suite of technical references sufficient to comprise the IP-based interface contemplated by the Commission in its National Broadband Plan, and as required, for an era of IP-based MVPD distribution, by Section 629. On September 28, the Media Bureau, as it reported in its October 4 *ex parte* filing, convened stakeholder panel discussions on the subject of compliance with Section 629. In these discussions, there was little controversy about most of the following circumstances and developments:

- Internet Protocol (IP)-based distribution will become the predominant technique for delivering MVPD programming and services to consumers.
- Private sector industry standards as referenced by the Digital Living Network Alliance (DLNA) will be the predominant IP-based means of distributing MVPD programming and services to and through home networks.
- The suite of DLNA-referenced and other technical standards identified in the draft regulation filed by the Alliance on September 20 comprises a clearly feasible, national, and nationally portable interface for any MVPD to support the operation of consumer devices, directly or through the provision of a “gateway” device that provides an interface as described by these standards.

- Using many of the techniques referenced in DLNA standards, some MVPDs have chosen to support the receipt, on some devices, of some of their programming, some of the time. This does not provide a sufficient basis for competition, as required by Section 629, by devices that are *competitive with* set-top products as leased to consumers by MVPDs. Indeed, many of the innovations touted by MVPDs *depend on* the perpetuation of leased products, rather than competing with them.
- The Commission and the public now have enough information for the Commission to publish a Notice of Proposed Rulemaking that seeks comment on whether these standards, as referenced in FCC rules, should comprise such an interface, so as to assure compliance with Section 629 now and in the future.
- In the absence of such a rulemaking, there is no way forward for compliance with Section 629, as MVPDs move to IP-based distribution.

The policies promoted by the draft regulation and the suite of standards references put forward by the Alliance, as well as any concerns or criticisms of such a regulation, are worthy of public discussion on the record. The Commission initiated its Notice of Inquiry on this subject on April 21, 2010. The only meaningful next step is for the Commission to publish a Notice of Proposed Rulemaking, seeking comment on the suite of standards references and the draft regulation as filed by the Alliance.

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:

Chairman Genachowski

Commissioner Copps

Commissioner McDowell

Commissioner Clyburn

Bill Lake