

**Before the  
Federal Communications Commission  
Washington DC, 20554**

In the matters of	)	
	)	
Basic Service Tier Encryption	)	MB Docket No. 11-169
	)	
Compatibility Between Cable Systems and Consumer Electronics Equipment	)	PP Docket No. 00-67
	)	

**REPLY COMMENTS OF PUBLIC KNOWLEDGE AND MEDIA ACCESS  
PROJECT**

Public Knowledge (PK) and Media Access Project (MAP) (Commenters) continue to believe that the Commission should go forward with its proposed elimination of the ban on basic tier encryption, provided that the various consumer protections discussed in Commenters' previous Comments<sup>1</sup> are enacted.

However, the Comments filed by the City of Boston<sup>2</sup> and Montgomery County<sup>3</sup> raise an issue regarding institutional users that Commenters have not fully considered.<sup>4</sup> Some institutions, such as schools, operate under budgetary constraints that may prevent them from upgrading numerous television sets, physical constraints that prevent them from mounting convertor boxes to classroom televisions, and other obstacles that could make the cable digital transition burdensome. At the same time, the primary beneficiaries of

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<sup>1</sup> Comments of Public Knowledge and Media Access Project, MB Docket No. 11-169 (Nov. 28, 2011).

<sup>2</sup> Comments of the City of Boston, Massachusetts, MB Docket No. 11-169 (Nov. 28, 2011).

<sup>3</sup> Comments of Montgomery County, Maryland, MB Docket No. 11-169 (Nov. 28, 2011).

<sup>4</sup> This illustrates one of the advantages of the Commission proceeding via rulemaking, rather than approaching policymaking on a waiver-by-waiver basis. A rulemaking proceeding of general applicability allows issues like this, which were not addressed in the NPRM and which might not arise in a more limited waiver context, to be more fully developed.

the cable digital transition are the cable operators themselves, and the same policy arguments in favor of requiring that they keep consumers whole after the transition support requiring them to keep these institutional users whole. Therefore, the Commission should protect these users. The Commission could, for example, require point-of-entry encrypted digital to unencrypted analog conversion, that would allow an institutional user's current television configuration continue to work unchanged. Such requirements would supplement any already-existing franchise agreements, which may require that operators provide institutional users such as schools with network access.

Respectfully submitted,

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December 12, 2011