

VIA ECFS

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

**REPLY COMMENTS OF
SAMUEL J. BILLER**

The purpose of this letter is to provide reply comments from an interested party in response to the Commission’s Notice of Proposed Rulemaking in the above cited proceeding.¹ I support modification of Section 76.630(a) of the Commission’s rules to permit cable operators to encrypt the basic service tier in all-digital cable systems. While these reply comments provide support for the NPRM’s proposal to eliminate the ban on basic encryption for all-digital systems I do support provisions for cable operators to provide set-top-boxes or equivalent equipment to eligible subscribers for a limited period of time to allow those subscribers adequate time to seek alternative competitive solutions like over-the-air broadcasts or satellite television.

The benefits of basic-tier encryption far exceed some of the issues that will result from this change. Cable operators have the right to protect their transmissions from unauthorized access from non-subscribers and basic tier encryption put the cable operators on an even playing field with their competition like satellite service providers. As the rules now stand, the requirement to offer basic-tier programming “in the clear” means that anyone with a QAM tuner and a live connection, including former cable operator subscribers, new residents, and internet-only subscribers, can watch unencrypted basic tier-programming without paying for it. Cable operators can only prevent such theft by physically cutting the cable or installing “traps” (frequency blocking hardware) on the consumer’s coaxial line. These measures are expensive and require truck-rolls to the premises of the recipient of the cable signal.

¹ *Basic Tier Encryption; Compatibility Between Cable Systems and Consumer Electronics Equipment*; FCC 11-153 (rel. October 14, 2011) (“NPRM”).

As has been seen by recent trends in the cable operator arena competition is fierce and basic tier encryption will allow the cable operators to provide more services in a competitive manner which will ultimately benefit the consumer.

The cost to consumers of encryption of basic cable programming is minimal and readily mitigated. Changes to the Commission's rules to permit encryption of the basic tier should provide one free cable box or CableCARD to consumers for a period of one-year on additional outlets not currently equipped with a set-top box or CableCARD.

In my particular case, I receive service from my cable operator, Bright House Networks, using retail CableCARD equipped devices for which I'm charged \$2.95 per month. The cost of the equipment to receive the encrypted cable operator feeds is small in comparison to the cost of the content. I would be unaffected by a change to the rules. I believe most consumers would be minimally impacted by the proposed change. Accordingly, I fully support the proposed rule change to allow encryption of basic-tier digital cable programming.

Respectfully submitted,

/s/ Samuel Biller

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