

Robert S. Schwartz

Attorney at Law
202-204-3508
rschwartz@constantinecannon.com

January 6, 2012

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; MB Docket No. 11-169

Dear Ms. Dortch:

On January 4, representatives of the Consumer Electronics Association (“CEA”) and the AllVid Tech Company Alliance (“Alliance”) met with members of the Media Bureau with respect to the above entitled matters. Participating for the Media Bureau were Chief Bill Lake, Deputy Chief Michelle Carey (by telephone), Associate Chief Nancy Murphy, Policy Division Chief Marybeth Murphy, Chief Engineer Alison Neplokh, Senior Deputy Policy Division Chief Steven Broeckert, and Electronics Engineer John Gabrysch. Participating for CEA were Brian Markwalter, Senior Vice President, Research and Standards, and (by telephone) Julie Kearney, Vice President, Regulatory Affairs. Participating for the Alliance were Parker Brugge, Director, Government Relations, Best Buy, Adam Goldberg, consultant, and Monica Desai, Patton Boggs LLP, as counsel. The undersigned participated as counsel to CEA and to the Alliance.

The main purpose of the meeting was to discuss points made in CEA’s Comments on the FCC’s Notice of Proposed Rulemaking (“NPRM”) in MB Docket No. 11-169 (Basic Tier Encryption) and PP Docket 00-67 (Compatibility Between Cable Systems and Consumer Electronics Equipment), and in the Alliance’s Reply Comments. The participants from CEA and the Alliance made the following points:

- Regulation by waiver is still regulation. The visitors agreed with the Commission’s statement in the NPRM that regulation by waiver should be disfavored. CEA’s Comments and the Alliance’s Reply Comments noted that through inaction the Commission has consigned itself to “regulation by waiver” with respect to compliance with Section 629 by IPTV systems and by systems employing “downloadable security,” and that waivers previously granted have expired or are expiring, with no compliant solution in sight.

January 6, 2012

Page 2

- As Boxee, Hauppauge, and local regulators and consumers have pointed out in Dockets 11-169 and 00-67, “Clear QAM” is still an important interoperability feature.
- The Commission has branded CableCARD-reliant solutions as “interim.” The Commission has thus discouraged investment in existing avenues toward device interoperability, without moving forward with any proactive solution keyed to IP-based program distribution.
- If the FCC is to further detract from device interoperability by approving encryption of basic tier programming, and hence *cutting the last link* for direct connection of televisions to MVPD programming, it should couple this step with a better path for interoperability of MVPD programming and competitive devices.
- As proposed in the CEA Comments and the Alliance Reply Comments, the suite of “AllVid” private sector standards and specifications filed by the Alliance in Dockets 97-80 and 10-91 on September 20, 2011, should comprise a single, nationally standard reference for device interoperability for compliance with Section 76.640, which the Commission has said must be achieved by December 1, 2012.
- As also proposed by CEA and the Alliance, and endorsed by potential competitive entrant Boxee, the Commission should at the same time initiate the AllVid Notice of Proposed Rulemaking, seeking comment on the proposed suite of standards and regulations as recommended by the Alliance. Only by taking this step can the FCC achieve a common suite of private sector standard references as required by Section 629.
- As was noted in Boxee’s December 21, 2011 *ex parte* filing in Dockets 11-169 and 00-67, implementation of the “Alliance AllVid spec” by a competitive entrant is much *less* costly and time-consuming for a competitive entrant than attempting to satisfy the testing, certification, and licensing requirements of CableLabs for a CableCARD-reliant solution.
- The private sector standards compiled and identified by the Alliance for AllVid reference are already in common practice, readily accessible to entrants, and can comprise a common solution for the FCC’s December 1, 2012 mandate in Section 76.640 and as a national interoperable “AllVid” common interface between MVPD systems and competitive devices. There is no doubt as to their function or utility in these respects. Objections to achieving such a standard by reference have been policy-based and should be aired in a rulemaking.

January 6, 2012
Page 3

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,



Robert S. Schwartz
Constantine Cannon LLP
1301 K Street, N.W., 1050 East
Washington, D.C. 20005
202 204-3508

Of counsel:

CEA

Julie M. Kearney
Vice President, Regulatory Affairs
Consumer Electronics Association
1919 S Eads St
Arlington, VA 22202
(703) 907-7644

Alliance

Jeffrey L. Turner
Monica Shah Desai
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037
202 457-6434

Cc:

Bill Lake
Michelle Carey
Nancy Murphy
Marybeth Murphy
Alison Neplokh
Steven Broeckaert
John Gabrysch