

ALLVID
Tech Company Alliance

August 8, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: In the Matter of Basic Service Tier Encryption, Compatibility Between Cable Systems and Consumer Electronics Equipment, MB Docket 11-169, PP Docket 00-67; Commercial Availability of Navigation Devices, CS Docket No. 97-80.

Dear Ms. Dortch:

The attempts of the Commission, the NCTA, and Boxee to work out a fair, interim approach toward basic tier encryption illustrate the limitations of the existing regime for supporting the connection of competitive devices to cable and other MVPD systems:

- The existing CableCARD regime is licensed by CableLabs only for “one-way” transmissions, is hobbled by the use of “switched digital” techniques, is deemed too expensive by entrants such as Boxee, and will be bypassed entirely by MVPD conversions to IP transmission.
- Although the cable industry can tout secure transmission of “TV Everywhere” programming *outside* its MVPD “footprint,” based on existing interfaces it can only offer solutions for those who rely on clear QAM programming *inside* its core service that are uncertain at best and dubious at worst.¹

The transition to more efficient digital techniques should value efficiency for consumers and competitors – not just for cable operators. As Boxee notes, an efficient solution to the Basic Tier quandary is impossible without “a hardware-free long-term solution for third-party devices”² But this problem is only the iceberg’s tip. Without action by the Commission, the days for *any* standard and direct connection to MVPD programming and services, encrypted or otherwise, are numbered. Therefore, the AllVid Tech Company Alliance urges the Commission to include in any Basic Tier order a Notice of Proposed Rulemaking toward the *only* viable answer: a nationally-portable common IP-based interface from MVPD services to consumer devices.

¹ See *ex parte* letter of Julie M. Kearney, Vice President, CEA, July 31, 2012; letter of Melissa Marks, General Counsel, Boxee, August 3, 2012.

² *Id.*

Based on progress in the standards community, 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. The Commission has already conducted a Notice of Inquiry to receive public comment about a successor to the CableCARD regime based on a “gateway” concept of supporting competitive devices via a nationally standard IP-based interface that, at the operator’s discretion, could be entirely “hardware free.” At this year’s Cable Show and thereafter, executives of major cable operators and vendors have endorsed an IP-based, (leased) hardware-free interface as an achievable objective.³

On September 20, 2011, on behalf of the Alliance, the undersigned filed a draft regulation that contains a complete suite of technical references sufficient to comprise such an interface. 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.

The Commission initiated its Notice of Inquiry on this subject on April 21, 2010. Having already allowed the CableCARD solution to be hobbled by MSO-cost-saving “switched digital” techniques, and now observing the inadequacy of interim, short term, non-standard “fixes,” the Commission should not stand by and watch the only remaining nationally standard interface for receiving MVPD content be bypassed by further and

³ Cable operators have stressed that the movement to IP distribution is inevitable and should be accompanied by an IP-based interface, but have not committed to a standards-based approach to support retail devices as required by Section 629. *See, e.g.*, “Time Warner Cable moving to all-IP over ‘some number of years,’ CEO Britt says,” <http://www.fierceiptv.com/story/time-warner-cable-moving-all-ip-over-some-number-years-ceo-britt-says/2012-08-02> (Aug. 2, 2012); “Gateways obviate the boxed-in feeling for an entertained home,” <http://www.fierceiptv.com/story/gateways-obviate-boxed-feeling-entertained-home/2012-07-10> (July 10, 2012); “Humax could challenge Cisco, Motorola, Pace, Arris gateways with MMC Technology acquisition,” <http://www.fiercecable.com/story/humax-could-challenge-cisco-motorola-pace-arris-gateways-mmc-technology-acq/2012-07-09> (July 9, 2012); “Did The Cloud Just Kill The Set-Top Box?” <http://gigaom.com/video/cloud-set-top-box/> (June 16, 2011).

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future MVPD “efficiency” measures. The time to provide for the next transition in digital program distribution is now.

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

Respectfully submitted,

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