Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	
TIVO INC. PETITION FOR CLARIFICATION OR WAIVER OF 47 C.F.R. §76.640(B)(4)	MB Docket No. 12-230
IMPLEMENTATION OF SECTION 304 OF THE TELECOMMUNICATIONS ACT OF 1996; COMMERCIAL AVAILABILITY OF NAVIGATION DEVICES	CS Docket No. 97-80

REPLY COMMENTS OF DIRECTV, LLC

DIRECTV, LLC ("DIRECTV") hereby replies to comments filed by the AllVid Tech Company Alliance (the "Alliance") and the Consumer Electronics Association ("CEA") to emphasize that the narrow request at issue here does not support the sweeping rewrite of the Commission's rules that they request.

This proceeding arises from a 2010 Commission order specifically related to cable systems and their two-way, high-definition set-top equipment. In that order, the Commission gave cable operators increased flexibility in the design of such set-top boxes by replacing the requirement to include an IEEE 1394 interface with a new requirement to include an IP-based interface with baseline functionalities using an open industry standard for home networking by December 1, 2012.[1] In adopting this approach, the Commission declined to specify a physical interface to replace IEEE 1394, and similarly concluded that it was appropriate "to refrain from

[1] *See Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment*, 25 FCC Rcd. 14657, ¶¶ 39-44 (2010) ("*Order*"); 47 C.F.R. § 76.640(b)(4)(iii).

specifying the exact manner in which this baseline of functionality is to be implemented."[2] In light of the approaching compliance deadline, TiVo has sought very targeted relief: either a clarification of the phrase "open industry standard" or a waiver of the requirement to implement such a standard until such time as the cable industry has deployed a sufficient number of compliant devices.[3]

Notwithstanding the narrow scope of TiVo's request, the Alliance and CEA apparently see this proceeding as an opportunity to pursue their agenda for more far-reaching regulatory intervention, arguing that the Commission should launch a new rulemaking proceeding to mandate a specific networking standard with functionalities far beyond the baseline described by the Commission for use by all multichannel video programming distributors ("MVPDs").[4] Here again, as in prior proceedings, they fail to recognize the difficulties in such an exercise given the very different MVPD system architectures and complex content rights involved, and that locking in a government-imposed technology mandate will derail ongoing market-based initiatives and constrain future innovation.

For example, the rule currently at issue applies to two-way cable equipment. But DBS operators such as DIRECTV have one-way systems that use entirely different technology to provide service to subscribers. Moreover, they depend upon control over the set-top box to, in effect, provide a headend in the home that can support services such as VOD, Common Sense Media Ratings, NFL Super Fan, and an interactive programming guide. An interface that might

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[2] *Order*, ¶ 44.

[3] *See* Petition of TiVo Inc. for Clarification or Waiver of 47 C.F.R. § 76.640(b)(4)(iii), Docket No. 97-80 (filed July 25, 2012) ("TiVo Petition"). DIRECTV takes no position on the merits of TiVo's request.

[4] *See* Comments of The AllVid Tech Company Alliance (filed Sep. 21, 2012) ("Alliance Comments"); Comments of The Consumer Electronics Association (filed Sep. 21, 2012). All filings referred to in this footnote were made in MB Docket No. 12-230, CS Docket No. 97-80, and PP Docket No. 00-67.

work for two-way cable systems could be totally inappropriate for such a one-way system – a fact not recognized by the demand from the Alliance and CEA for a one-size-fits-all approach.

In addition, the market for video devices is dynamic and innovative. There is now a wealth of devices – from AppleTV to Boxee to Roku – with which consumers can access all variety of content. MVPDs are participating in this trend, as Xbox 360s can now be used to access AT&T's U-verse video service, and DISH Network has integrated its service with the GoogleTV platform. DIRECTV's contribution to this trend is a new, open-source industry standard developed by the RVU Alliance. Building on Digital Living Network Alliance ("DLNA") technology, RVU is an open industry standard available to all on RAND terms. Earlier this year, the RVU remote user interface was adopted by DLNA into its Interoperability Guidelines.[5] DIRECTV has begun to roll out RVU-enabled products with the introduction of the HR34 Home Media Center servers and client devices, while Samsung is offering RVU-certified Smart TVs.[6] The RVU Alliance is working on a next-generation specification, targeted for release by the end of the year, that will build on existing work to provide an even more capable networking platform.

RVU technology could satisfy the requirement in Section 76.640(b)(4)(iii) for "an open industry standard that provides for audiovisual communications including service discovery, video transport, and remote control command pass-through standards for home networking." However, there are several other initiatives ongoing to develop competing or complementing standards, as well as RVU's own next-generation efforts. In the face of such innovation, this

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[5] *See* "RVU Alliance Remote User Interface Now Included in DLNA Interoperability Guidelines" (Mar. 19, 2012), *available at* http://www.dlna.org/docs/press-releases/rvu-alliance-remote-user-interface-now-included-in-dlna-interoperability-guidelines.pdf. DIRECTV is a member of both the RVU Alliance and DLNA.

[6] Information on RVU developments, demonstrations, deployments, and awards can be found at www.rvualliance.org/news.

would be a particularly bad time for government intervention to impose a static technology mandate applicable to all MVPDs. Indeed, although the Alliance purports to list a series of off-the-shelf standards that could be cobbled together to establish such a standard,[7] the entire basis for the petition filed by TiVo (an Alliance member) is its inability to implement a compliant interface given the lack of anything more than a "common understanding" among DLNA members of an approach that may ultimately satisfy the baseline functionality.[8]

As DIRECTV and others have also discussed at length in prior filings, the one-size-fits-all approach favored by the Alliance and CEA raises a host of other issues, ranging from content rights to consumer privacy issues.[9] Rather than recapitulate those arguments here, DIRECTV incorporates them by reference herein. Suffice it to say that the sweeping regulatory intervention sought by the Alliance and CEA cannot be justified by ignoring such substantial issues, as they have done in this proceeding. More importantly for present purposes, the narrow request that is the subject of this proceeding should not be hijacked by those with a larger, and largely unrelated, agenda.

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[7] Alliance Comments at Proposed Section 76.1206.

[8] TiVo Petition at 7-8.

[9] *See, e.g.*, Comments of DIRECTV, Inc. (filed July 13, 2010); Comments of the Motion Picture Association of America, Inc. (filed July 13, 2010); Reply Comments of Tribune Media Services, Inc., Debtor-in-Possession (filed Aug. 12, 2010); Joint Reply Comments of Program Networks (filed Aug. 12, 2010). All filings referred to in this footnote were made in MB Docket No. 10-91, CS Docket No. 97-80, and PP Docket No. 00-67.

Respectfully submitted,

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