

BBT

B E Y O N D
B R O A D B A N D
T E C H N O L O G Y

April 25, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: In the Matter of Charter Communications, Inc.'s Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, CSR-8740-Z, MB Docket No. 12-328, CS Docket No. 97-80, PP Docket No. 00-67.

Dear Ms. Dortch:

On April 23, 2013, the undersigned, on behalf of Beyond Broadband Technology, LLC (BBT), met with Commissioner Ajit Pai and his Chief of Staff, Matthew Berry, and also with William Lake, Chief, and Steve Broeckert, Brendan Murray, Alison Neplokh and Adam Copeland of the Media Bureau regarding the above-captioned proceedings.

During the above-referenced meetings, the undersigned briefly reviewed the development of BBT's downloadable security solution for cable television set top boxes along with BBT's request that all parties exploring the issue of downloadable security not limit their viewpoints and decisions to only the narrow context of cable television set top boxes. It was explained that the decisions made in these proceedings, such as the Memorandum Opinion and Order (MO&O) released on April 18, 2013, could well have implications for the development of downloadable security far beyond cable television, dealing with successful implementation of secure communications on the Internet and on broadband data distribution in general. The undersigned urged that all actions of the Commission should seek to encourage the expansion of experimentation and design of multiple solutions for downloadable security. It was pointed out that one of the fundamental objectives of downloadable security solutions like the one developed by BBT is to avoid a singular, static design, but rather create a platform where multiple, nimble and changeable implementations can, themselves, serve to increase long-term security. Selecting or "anointing" one single approach, by anyone, defeats that broader purpose.

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The undersigned also noted the statement in the MO&O that it was not the Commission's intent to select a particular downloadable design, however concern was voiced that some of the language in the waiver could have the potential effect of constricting Charter's ability to use compatible downloadable designs such as the one developed by BBT, and could defeat the underlying intention stated by the Commission in the decision. The Commission should be encouraging multiple solutions, not just one selected by only one user or one vendor. So long as the underlying structure at cable headends or in newly designed set top boxes intended for use in systems employing downloadable security is required to be designed and executed with flexibility, competition in the construction and sale of set top boxes (both at wholesale and at retail) is far more likely to develop than is the case in the market as it exists today. The key, it was explained in these meetings, is assuring wide-spread adoption of simulcrypt solutions in Charter's and all other downloadable compliant systems, including Cablevision's. Employment of a non-proprietary descrambling approach, as is done with DVB in Europe, was also raised. By so doing, and encouraging all systems and manufacturers to cooperate, legacy systems on a nationwide scale could participate in a transition to downloadable security, accomplishing a true forward-looking substitute for CableCARDS.

The Commission, in the MO&O, notes and supports Charter's intention to simulcrypt in order to allow multiple conditional access solutions, which thereby enables the deployment of downloadable security in legacy-equipment systems. BBT applauds that approach. The Commission is requiring Charter to work with equipment manufacturers to create devices that will work at the retail level with downloadable security designs. The undersigned suggested that it should also call on Charter to only work with manufacturers of equipment in its systems who embrace downloadable security by enabling simulcrypt for as many diverse legacy and downloadable security solutions as possible so long as they conform to industry-standard security audits. The design and development of downloadable security set top boxes through promotion of simulcrypt allowing their introduction in legacy systems is the most likely way to encourage competition in the manufacture of equipment for both wholesale and ultimately retail sale, the primary objective of the Commission's efforts.

As mentioned above, it was also noted that successful development of multiple simulcrypt enabled downloadable conditional access solutions can potentially have far-reaching positive effects on the security of the entire broadband eco-system, a fundamental objective the Commission has stated is critical.

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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