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May 2, 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-8470-Z, MB Docket No. 12-328, CS Docket No. 97-80, PP Docket No. 00-67.

Dear Ms. Dortch:

On April 30, 2013, the undersigned, on behalf of Beyond Broadband Technology, LLC (BBT), met with Alex Hoehn-Saric, Policy Director in the Office of Commissioner Jessica Rosenworcel, regarding the above-captioned proceedings.

During the meeting, 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 security design, but rather create a platform where multiple, nimble and changeable conditional access implementations can then serve to increase long-term security. Selecting or "anointing" one single approach, by anyone, defeats that broader purpose. For example, the BBT design, to the best of our knowledge, is the only one currently available that does not require a "trusted authority" for the purposes of authentication. This, in turn, will allow competitive industry participants to enable downloadable security without any concern over the management or security of proprietary customer data. Such an approach eliminates one of the principal barriers to widespread adoption of this security technology. It can assist in the Commission's goal of fostering competitive manufacture and retail sale of set top boxes in not only the cable television marketplace, but the entire MVPD marketplace as well. The BBT downloadable technology is "platform agnostic." It can

be implemented in cable, IPTV, IP, satellite and other domains operating in both two-way and one-way systems environments. This is not the case with any other such solution currently available.

During the presentation, the undersigned made reference to the statement in the MO&O that it was not the Commission's intent to select a particular downloadable design; however, the undersigned voiced concern that some of the language in the waiver order could have the potential effect of constricting Charter's ability to modify and update or improve its technology decisions consistent with the conditions imposed, and could defeat the underlying intention stated by the Commission in the decision. It was also noted that, as is reiterated in the MO&O, implementation of the BBT technology has already been determined to be compliant with the Commission's rules and does not require a waiver; thus Charter could still take that approach as well. The undersigned stressed, however, that 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. Some of the conditions imposed in the MO&O could be counter-productive to that goal.

The key to accomplishing the Commision's objectives, it was explained in the meeting, is assuring wide-spread adoption of simulcrypt solutions in Charter's and all other downloadable compliant systems, such as Cablevision's. Employment of a non-proprietary descrambling approach, leaving proprietary conditional access systems (CAS) intact, as is done with DVB in Europe, was cited as a successful example. 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. Until the problem of legacy equipment in systems not empowered to institute simulcrypt is resolved, the barrier to entry of any new technology is almost insurmountable, since it requires either a "greenfield" system or one prepared to do an entire simultaneous replacement of all legacy equipment. Simulcrypt resolves that problem.

The Commission, in the MO&O, notes and supports Charter's apparent ability and intention to simulcrypt in order to allow multiple conditional access solutions, which thereby enables the deployment and migration 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 and all other operators 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, and particularly ones that can operate on a "platform agnostic" basis so they can be broadly implemented, 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,

Stephen R. Effros

Stephen R. Effros
Beyond Broadband Technology, LLC
Box 8
Clifton, VA 20124
703-631-2099
steve@effros.com