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August 8, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**Re: Basic Service Tier Encryption; Compatibility Between Cable Systems and
Consumer Electronics Equipment, MB Docket No. 11-169, PP Docket No. 00-67.**

Dear Ms. Dortch:

On July 25, 2013, I filed a letter in the above-referenced proceeding addressing the recent notice issued by Comcast informing customers that it intended to “start encrypting Limited Basic service” beginning August 27, 2013. I mailed a copy of that letter via Certified Mail Return Receipt Requested to Jonathan Friedman, Counsel for Comcast Corporation, to afford the company an opportunity to indicate whether the information I had received from its customer service representative was incorrect and, if so, to clarify the transitional measures that Comcast has adopted. As of this date, I have received the certified mail receipt confirming the July 29, 2013 delivery of Mr. Friedman’s copy of my letter, but have not received a reply from Mr. Friedman nor has a reply been submitted via ECFS in the docket.

I did, however, receive a telephone call on July 29 and a follow-up letter on August 5 from Timothy Kelly, Senior Manager of Government & Regulatory Affairs for Comcast in Boston. A copy of his letter is included as Attachment 1 hereto. During our telephone conversation, Mr. Kelly advised me that:

- (1) the information I had received from the Comcast customer service representative to the effect that the transition digital transport adapter (DTA) that would be provided without charge for two years would not produce an HD signal was not entirely correct. Comcast will, apparently, provide HD DTAs without charge to customers who affirmatively request them, subject to the same two-year and two-unit limitations; I had been told by the Comcast customer service representative that a charge would apply for HD-capable DTAs.

- (2) with respect to third-party provided IP-enabled Clear QAM devices, the information I had received from the Comcast customer service representative was basically correct. Mr. Kelly explained that the “E-DTA” that Comcast would provide would be compatible only with third-party IP-enabled devices that support the so-called “DLNA protocol.” Although not stated in his August 1, 2013 letter, during our telephone conversation he had advised me that the only currently-available third-party Clear QAM device that supports the DLNA protocol is a recently-released unit from Boxee. As for all other preexisting – i.e., currently installed – third-party provided IP-enabled Clear QAM devices, Comcast is not able to and thus will not furnish any transitional hardware interface or software upgrade capable of enabling users of these devices to continue to use their previously purchased or previously manufactured units once basic cable encryption becomes operative.

That Comcast will apparently supply one or two HD DTAs upon specific request by a customer cannot overcome the fact that customers not familiar with the FCC's Order in this docket or with the technical details of HDTV are apparently not being offered this capability unless the customer affirmatively requests it. And as for third-party provided IP-enabled Clear QAM devices, there is nothing in the R&O nor in the NCTA "commitment" that would exempt or exclude all such (non-DLNA) devices that are currently in use by Comcast subscribers, or relieve Comcast of the obligation to assure that such in-place equipment can continue to be used once encryption takes effect. Certainly Chairman Genachowski's statement, cited in my previous letter, provides no indication that this type of carve-out was the Commission's understanding or intention. Indeed, Chairman Genachowski's statement suggests precisely the opposite.

Moreover, inasmuch as the requirement that MSOs furnish at no charge interfaces capable of supporting third-party provided IP-enabled Clear QAM devices will sunset in two years, it is difficult to see how potential purchasers of such devices can have any confidence that these units will continue to be supported beyond the sunset date, or that the post-transition (and unregulated) rental fee for the E-DTA will be reasonable. Thus, the FCC's Order, and Comcast's attempt to subvert it, operate to discourage demand and thus destroy the market for these innovative IP devices.

Based upon these concessions from Comcast, I fail to see how the MSO could possibly claim that it is in compliance with the specific consumer protection requirements as adopted in the Commission's October 12, 2012 Report and Order (FCC 12-126) in the above-referenced proceeding, and so reiterate my request that the Commission:

- (1) **FIND** that Comcast is not in compliance with the specific consumer protection requirements as adopted in the R&O;
- (2) **ISSUE AN ORDER** staying further implementation of basic cable encryption, and requiring the removal of already-implemented basic cable encryption, by Comcast and by any of the other five MSOs whose transitional solutions do not comply with the consumer protection

Marlene H. Dortch

August 8, 2013

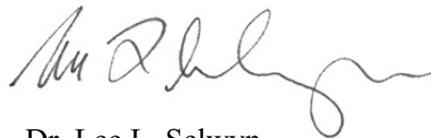
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provisions of the R&O; and

- (3) **INITIATE A FURTHER NOTICE OF PROPOSED RULEMAKING** for the purpose of undertaking a detailed technical analysis of the consumer and competitive benefits of continued unencrypted Clear QAM transmission of non-premium basic cable channels so as to encourage continued investment and innovation in these technologies and ensure robust competition in all cable-related customer premises equipment (CPE) markets.

It is a serious matter – and an affront to the Commission’s process – when parties to a proceeding offer “commitments” they have no intention of fulfilling. For this reason alone, the specific actions outlined above deserve serious – and (given the short timeframe established by Comcast for the commencement of basic cable encryption) immediate – action.

Respectfully submitted,



Dr. Lee L. Selwyn
President
Economics and Technology, Inc.

Attachment

c.c.: William T. Lake, Chief, Media Bureau
Nancy Murphy, Associate Chief, Media Bureau
Alison Neplokh, Chief Engineer, Media Bureau
Steven Broeckaert, Senior Deputy Chief, Policy Division, Media Bureau
Brendan Murray, Attorney Advisor, Media Bureau



August 1, 2013

Dr. Lee L. Selwyn
Economics and Technology, Inc.
One Washington Mall, 15th Floor
Boston, MA 02108

Re: Basic Service Tier encryption

Dear Dr. Selwyn:

I am writing to thank you for taking the time earlier this week to speak with me regarding your concerns about encrypting the Basic Service Tier.

I want to reiterate my apologies for the poor customer service you experienced. Comcast strives to make customer care a high priority, and we have taken additional, actionable steps to ensure that all of our customer service representatives are prepared to respond to questions about Basic Service Tier encryption.

Consistent with the Commission's Basic Tier Encryption Order, Comcast provides up to two (2) Digital Transport Adapters (DTAs) to qualifying basic tier customers at no additional cost for up to two (2) years (five years if the customer also receives Medicaid). The customer can request either standard-definition DTAs (SD DTAs) or high-definition DTAs (HD DTAs). In addition, qualifying basic tier customers can also request E-DTAs, which are HD DTAs equipped with home-networking capability. Comcast customers who subscribe to higher levels of service and receive basic tier service on a secondary TV without Comcast-supplied equipment can request one DTA for one year at no additional charge.

Comcast will start encrypting the basic service tier in Mattapoisett on August 27, 2013. Consistent with the Commission's Order, Comcast inserted an ad page during the June billing cycle and also included a subsequent bill message reminder in the region during the July billing cycle. Customers can request the DTAs between July 28, 2013 and December 24, 2013 by calling 1-855-860-8989. For your reference and records, please find a copy of the ad page included with your bill.

I also wanted to respond to your specific questions about the E-DTA. The device will network basic tier channels to compatible IP-enabled devices in the home via a DLNA protocol. Comcast has published specifications on its website that provide the information necessary for a consumer electronics manufacturer to build a device that will interoperate with the E-DTA.

I appreciated the opportunity to talk with you earlier this week. Please feel free to reach out to me, either via email at timothy_kelly@cable.comcast.com or by phone at 617.279.1576, should you have any other questions regarding this matter.

Very truly yours,

Timothy J. Kelly
Comcast Government Affairs