

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
EchoStar Technologies L.L.C.) MB Docket No. 13-177
)
Petition for Waiver of Section 15.117(b) of the)
Commission’s Rules)
)
)

**REPLY COMMENTS OF
ECHOSTAR TECHNOLOGIES L.L.C.**

EchoStar Technologies L.L.C. (“EchoStar”) respectfully submits these reply comments to underscore its request that the Media Bureau grant by early September the above-captioned petition for waiver (“Petition”)¹ of the “all channels” requirement in Section 15.117(b) of the Commission’s Rules.² Grant of the requested waiver will permit the importation, marketing, and retail sale of two models of the Channel Master K77, high-definition (“HD”), Internet-enabled, digital video recorders (“DVRs”) that can receive digital, over-the-air broadcast signals but do not include an analog broadcast tuner. The record unanimously supports grant of the waiver in order to provide consumers with access to a new, competitive cost-effective choice in an increasingly popular category of consumer entertainment devices.³

¹ EchoStar Technologies L.L.C., Petition for Waiver, MB Docket No. 13-177 (filed June 21, 2013)(“Petition”); Media Bureau, Media Bureau Seeks Comment on EchoStar’s Petition for Waiver of Over-The-Air Analog Tuner Requirements, DA 13-1555 (rel. July 10, 2013) (“Notice”).

² 47 C.F.R. § 15.117(b). *See also* Petition at 1 n.1 (explaining the meaning and historic interpretation of Section 15.117).

³ *See*, Comments of Michael Ness, President, Ness Electronics, MB Docket No. 13-177, at 1 (filed July 31, 2013) (“Ness Comments”) (“[W]e request the FCC to grant the EchoStar Waiver as soon as possible so that this exciting new product is available in time for the 2013 holiday

Specifically, waiver of the analog broadcast tuner requirement for the two models of the Channel Master K77 will provide consumers with access to new, competitive, cost-effective choices that combine over-the-air television content – including dual-tuner watch-and-record capability – with over-the-top streaming content functionality from providers such as VUDU and Pandora, all in a sleek, ultra-thin, energy-efficient form factor. As Ness Electronics noted, their “market studies demonstrate that low cost products that provide consumers with the ability to combine access to broadcast programming with over-the-top and DVR functionalities, such as the Channel Master K77, are needed to satisfy consumer demand.”⁴

The record also confirms that requiring an analog receiver to be included in this equipment is unnecessary and would lead to increased costs and other burdens that would deny consumers access to cost-effective, innovative technologies. Commenter David Zatz noted that “the vast majority of over-the-air television content is no longer analog due to technological advances and prior Commission actions” and “the additional expense associated with integrating archaic analog tuning capabilities would be a detractor to many price sensitive consumers who would otherwise benefit from an advanced television solution, independent of a MPVD.”⁵ Channel Master concurred, noting that “including an analog tuner in its product will dramatically increase the cost, size and energy consumption of the device,” and is unnecessary to ensure

season.”); Comments of David Zatz, MB Docket No. 13-177, at 1 (filed July 23, 2013) (“Zatz Comments”); Comments of Joe Bingochea, Vice President of Product Management, Channel Master, MB Docket No. 13-177, at 1 (filed July 25, 2013) (“Channel Master Comments”) (“[P]ublic interest supports a grant of the EchoStar Waiver promptly ... [to] ensure that innovative, low cost devices are available to consumers in time for the 2013 holiday season.”).

⁴ Ness Comments at 1.

⁵ Zatz Comments at 1.

consumer access to the limited number of analog channels since “consumers can still access analog channels through their television tuner.”⁶

For these reasons, EchoStar respectfully urges the Bureau to waive the Section 15.117 analog tuner requirement for the Channel Master K77 models of HD ATSC receivers no later than September 1, 2013, before fall product line-ups in retail stores are finalized.

Respectfully submitted,

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⁶ Channel Master Comments at 1.