

January 16, 2014

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

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Re: **Notice of Ex Parte: MB Docket Nos. 10-91 and 07-269, CS Docket No. 97-80, and PP Docket No. 00-67 – AllVid Tech Company Alliance**

Dear Ms. Dortch:

On January 14, 2014, the undersigned, as counsel to the AllVid Tech Company Alliance (“the Alliance”), met with Commissioner O’Rielly, Courtney Reinhard, Senior Legal Advisor and Chief of Staff to Commissioner O’Rielly, and Erin McGrath, Legal Advisor to Commissioner O’Rielly. The purpose of the meeting was to urge the Commission to update its regulations implementing Section 629 of the Communications Act in order to assure broadly based, commercially competitive entry into the marketplace for accessing multichannel video programming and services.

We emphasized that Section 629 of the Communications Act requires the Commission to assure that consumers have the opportunity to access the full range of programming and services offered by MVPDs through a competitive retail market for navigation devices.¹ To this end, Section 629 specifically requires:

The Commission shall, in consultation with appropriate industry standard-setting organizations, adopt regulations to assure the commercial availability, to consumers of multichannel video programming and other services offered over multichannel video programming systems, of converter boxes, interactive communications equipment, and other equipment used by consumers to access, multichannel video programming and other services offered over multichannel video programming systems, from manufacturers, retailers, and other vendors not affiliated with any multichannel video programming distributor.²

We said the Alliance was encouraged in 2010 when the Commission issued its National Broadband Plan, emphasizing the importance of achieving Section 629’s objective of assuring, in its regulations, a competitive marketplace by “initiat[ing] a proceeding to ensure that all multichannel video programming distributors (MVPDs) install a gateway device or equivalent functionality in all new

¹ See *Implementation of Section 304 of the Telecommunications Act of 1996, et al.*, CS Docket No. 97-80, *et al.*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 20885, ¶ 3 (2003).

² 47 U.S.C. § 549(a).

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subscriber homes and in all homes requiring replacement set-top boxes.”³ More specifically, the Commission has recognized⁴ that a successor common interface is necessary to move forward from the cable-only CableCARD interface, from which operators have sought to move away, toward IP-based interfaces that save bandwidth and better mesh with home and online networks.

We said that the Alliance is hopeful that this Commission will recognize the importance of effectuating the mandate of Section 629, and the value in consumers having true choice with respect to how they access multichannel video programming, as Congress envisioned. It is not enough to point to proprietary technologies that work only for limited services and only with particular systems. Consumers should not be limited to renting MVPD devices with little control or innovation in how they view MVPD video programming and services. A competitive marketplace will allow consumers to choose the best technologies and products personalized to their preferences, instead of having to rely on the business decisions that MVPDs have made for them.

The Alliance continues to urge the Commission to issue a Notice of Proposed Rulemaking seeking comment on opening the market for device competition in rendering programming and services, as required by Section 629, and on an IP-based gateway link between external and home networks, as presented in Recommendation 4.12 of the National Broadband Plan.

Respectfully submitted,



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cc:
Commissioner O’Rielly
Courtney Reinhard
Erin McGrath

Counsel to the AllVid Tech Company Alliance

³ *Connecting America: The National Broadband Plan*, GN Docket No. 09-51, Section 4.2, at 50 (2010).

⁴ *See Basic Service Tier Encryption, et al.*, MB Docket No. 11-169, Report and Order, 27 FCC Rcd 12786, n. 162 (2012).