



August 25, 2014

VIA ECFS

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

Re: TiVo Comments on Applications of Comcast Corporation, Time Warner Cable Inc., Charter Communications, Inc. and Spinco to Assign and Transfer Control of FCC Licenses and Other Authorizations; MB Docket No. 14-57

Dear Ms. Dortch:

Given Comcast's history of working with TiVo to enable innovation in retail set-top boxes, TiVo believes that approval of the above-referenced transaction should benefit consumers that wish to use retail devices to access their pay-TV programming. TiVo offers the following comments in support of the transaction.

TiVo views this transaction through the lens of whether the transaction will enhance or degrade the ability of consumers to have a choice of retail set-top boxes. TiVo is focused on ensuring that a successor-solution emerge to replace the standard CableCARD interface for QAM-delivered content. Such a solution is critical (i) for retail consumers to have an innovative alternative to operator-supplied equipment, (ii) for small and mid-sized operators by providing for efficiencies, allowing them to buy set-top boxes from multiple vendors and to avoid being locked into a single vendor's proprietary, non-interoperable conditional access system, and (iii) to ensure a smooth migration to IP-delivered content (where QAM-delivered content is likely to also co-exist for many years). TiVo is also focused on ensuring that CableCARDS are provided and supported by all cable operators while such post-CableCARD solution is developed and deployed as CableCARD remains the only option consumers currently have to use a retail device to access all of their linear cable channels.

Among pay-TV providers, Comcast has been the most supportive of enabling innovation in retail set-top boxes, thereby allowing consumers to have a robust retail alternative to an operator-leased set top box.¹ Over the course of the past several years, Comcast has partnered with TiVo to enable the

¹ This is not to say that consumers do not have CableCARD provisioning and support issues with Comcast, as consumers do with all cable operators. However, Comcast has been more willing than most other operators to address such issues and work with TiVo on ways to improve CableCARD provisioning and support.



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provision of Xfinity On Demand to TiVo Premiere and TiVo Roamio customers in all of Comcast's current markets.² Under this arrangement, Comcast customers are able to use a TiVo Premiere or TiVo Roamio box purchased at retail to enjoy a fully-integrated offering of Comcast's robust library of Xfinity On Demand content, along with linear television and a range of broadband services, all accessible through TiVo's user interface and search capabilities. By integrating Xfinity on Demand, TiVo is able to provide its customers with a unique offering of being able to search for content across linear and video-on-demand cable services, as well as Internet-delivered services such as Netflix, Hulu Plus, YouTube, and more. This deployment demonstrates that providing retail devices with the full array of pay TV content can be achieved in innovative ways that do not undermine pay TV operators' business models.

More recently, Comcast has again partnered with TiVo to work on a two-way non-CableCARD security solution that will enable retail devices to access the full Comcast lineup of linear and VOD programming, whether QAM- or IP-delivered. This effort promises to facilitate continued innovation to consumers. TiVo appreciates Comcast's leadership and vision in creating a post-CableCARD solution for use by both operator-supplied and retail devices and hopes that other operators will follow Comcast's lead and adopt the solution which Comcast has agreed to license to other operators on commercially reasonable terms.³ Importantly, Comcast has also agreed to continue to provide and support CableCARDS in retail devices notwithstanding the D.C. Circuit's *EchoStar* decision last year vacating certain CableCARD rules. Comcast will ensure that all CableCARD-enabled devices will continue to have access to all linear channels in all Comcast markets.⁴ The significance of Comcast's continued commitment to CableCARD provisioning and support cannot be overstated.

Based on Comcast's history of working with TiVo to facilitate innovation, TiVo believes that the above-referenced transaction should benefit consumers that wish to use retail devices to access their pay-TV programming as we would expect Comcast's leadership and supportive policies to continue and expand. In addition, we believe the transaction should help the industry more quickly transition to

² See Letter from Matthew Zinn, Senior Vice President, General Counsel, and Chief Privacy Officer, TiVo Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (May 9, 2011) and Letter from Matthew Zinn, Senior Vice President, General Counsel, and Chief Privacy Officer, TiVo Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (May 9, 2012).

³ Letter from Jordan Goldstein, Vice President, Regulatory Affairs, Comcast Corporation, and Matthew Zinn, Senior Vice President, General Counsel, and Chief Privacy Officer, TiVo Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (July 14, 2014).

⁴ It would serve the public interest for the Commission to ensure that all non-Comcast cable systems subject to this transaction also agree to continue to support and provide (to new and existing customers) CableCARDS in retail devices notwithstanding the D.C. Circuit's *EchoStar* decision.



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a post-CableCARD solution allowing for additional innovation to the benefit of consumers and small and medium-sized cable operators.

Please contact me with any questions about this matter.

Respectfully submitted,

Matthew Zinn

Matthew Zinn
Senior Vice President, General Counsel, Secretary & Chief Privacy Officer