

May 11, 2015

William Lake
Brendan Murray
Nancy Murphy
Media Bureau
Federal Communications Commission
455 12th Street, SW
Washington, DC 20554

Dear Mr. Lake, Mr. Murray, and Ms. Murphy,

The undersigned members of the Downloadable Security Technical Advisory Committee (DSTAC), industry associations, and other entities urge the Commission to ensure that the DSTAC process results in solutions that enable robust competition among retail and operator-leased navigation devices used to access video programming and services offered by multichannel video programming distributors (MVPDs), as envisioned by Section 629 of the Communications Act.

The FCC Media Bureau staff's efforts in coordinating and overseeing the DSTAC should continue to further the Congressional directives in Section 629. In particular, any solution recommended by DSTAC should ensure that device manufacturers can differentiate retail products from MVPDs' leased products. Manufacturers should be able to provide innovative and distinctive features, including unique user interfaces, enhanced search functionality, and improved means for recording and viewing content consistent with copyright law. Users of retail devices should be able to access the full complement of MVPD video service offerings, enabling consumers to get the full value of their subscription while using a competitive device. Consumers also should be able to choose between premium devices with advanced functionality and simpler, lower-cost devices, according to their preference. The DSTAC's work product should enable acceleration of technological advances within retail navigation devices, similar to the rapid progress seen in other types of communications hardware, such as smartphones and tablets.

Congress set the purpose of the DSTAC to "identify, report, and recommend performance objectives, technical capabilities, and technical standards of a not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system *designed to promote the competitive availability of navigation devices in furtherance of Section 629*" (emphasis added). The undersigned parties continue to support and work toward a clear and implementable standard that fulfills this congressional intent.

Limiting the DSTAC's scope to downloadable security alone, without reference to the committee's broader mandate of furthering the competitive availability of navigation devices, would result in a walled-garden approach that does not promote the vigorous

competition and innovation envisioned by Section 629. That approach would do little or nothing to bring consumers the benefits of technological breakthroughs such as improved and tailored user interfaces, enhanced search functions that allow users to search across different sources, and greater accessibility for customers who have disabilities. With that in mind, the Commission should focus not on specific services or commercial arrangements, but on the features and choices available to consumers.

While CableCARD is not a technology implementation to be emulated, it is an example of what can be offered in terms of competitive navigation devices operating on different operator platforms nationwide. The DSTAC should achieve a recommendation that functionally supersedes the CableCARD, without a need for the CableCARD hardware. Congress recognized that the FCC and the private sector need to enhance functionality like that provided by CableCARD, and embrace interactive, two-way, and IP-based technologies characteristic of the current and future MVPD marketplaces. The DSTAC's final recommendation should avoid moving *backward*, by ensuring the ability of retail navigation devices to offer differentiated and innovative user interfaces, search functions, and recording and cloud functionality.

Since the "landmark 1968 *Carterfone* decision, the Commission has recognized that communications networks are most vibrant, and best able to serve the public interest, when consumers are empowered to make their own decisions about how networks are to be accessed and utilized."¹ The attachment principle of *Carterfone* allowed new participants to enter, compete, and thrive in the market, while leading to greater choice and lower prices for consumers. *Carterfone* also fostered a variety of pioneering technologies, including the modem, which led to a new way of communicating and foreshadowed the power of the Internet. With the DSTAC, the Commission has the opportunity to spur progress toward an updated solution that provides consumer choice and unleashes innovation in the market for devices used to access video programming provided by MVPDs. Increased device competition and differentiation also promotes competition in content markets.

We urge the Commission to ensure that the DSTAC process results in technical solutions that truly promote the competitive availability of navigation devices by enabling third-party innovation, differentiated and innovative user interfaces, and competitive functionality from both advanced and low-cost devices — the type of real consumer choice envisioned by Congress when it enacted Section 629. We pledge to continue working cooperatively toward that goal.

¹ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, FCC 15-24, at ¶¶ 60-62 (rel. Mar. 12, 2015).

Amazon
Matthew Clark

Ceton Corp.
Gary Hammer

**Computer & Communications Industry
Assoc.**
Daniel O'Connor

COMPTEL
Angela Kronenberg

Free Press
Matt Wood

Google Inc.
Milo Medin

Hauppauge
Brad Love

The Internet Association
Abigail Slater

**Open Technology Institute at New
America**
Joshua Stager

Public Knowledge
Adam Goldberg

Silicondust USA, Inc.
Theodore Head

TiVo, Inc.
Dr. Joseph Weber

Writers Guild of America, West
Ellen Stutzman