



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Renee Ellmers
U.S. House of Representatives
1210 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Ellmers:

Thank you for your letter sharing your concerns about the potential privacy implications for the Commission's recent proposal to better foster competition in the set-top box marketplace. Your views are very important and will be considered as part of the Commission's review.

I share your commitment to ensuring the privacy protections for consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation. However, consumers should not have to sacrifice their privacy to enjoy these benefits.

As you know, the Commission has a statutory obligation under Section 629 of the Communications Act to assure the commercial availability of navigation devices to consumers from sources other than their traditional video programming providers, like cable, satellite, or telecommunications providers.

At the February 18th Commission meeting, we adopted an NPRM to fulfill the statutory requirement of competitive choice for consumers. Like all NPRMs, this action opens a fact-finding dialog to build a record upon which to base any final decision.

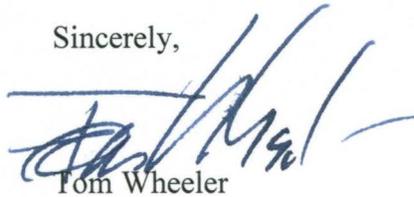
Consistent with our fact sheet, the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices.

As you point out, pay-TV providers abide by additional privacy obligations under Sections 631 and 338 of the Communications Act. These privacy obligations, among other things, prohibit pay-TV providers from disclosing to other companies for advertising purposes personally identifiable information concerning any subscriber, including data about a subscriber's viewing habits, without the subscriber's prior written or electronic consent. The proposal tentatively concludes that third-party device manufacturers must afford consumers the same level of protection. Specifically, the proposal tentatively concludes that manufacturers must certify they are in compliance with the same privacy obligations as pay-TV providers. The proposal asks a number of questions about how best to enforce such a requirement, including whether an independent entity should validate third-party manufacturer's certifications, whether the Commission should maintain the certifications, and what the appropriate enforcement

mechanism should be if there are any lapses in compliance with any certification. Additionally, the NPRM notes that today, competitive navigation devices such as TiVo must comply with a host of state and federal privacy protections that include various remedies for consumers. All of these protections and remedies would continue to apply under the proposal in the NPRM.

The issue before the Commission is how to maintain privacy protections while satisfying Section 629 in a world of evolving technology. I agree with you that any rules we adopt must protect consumers privacy, and I assure you that is a paramount concern as we consider how to meet the statutory obligation. As we develop a record in this proceeding, I look forward to continuing to work with you on this important consumer issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line. The signature is stylized and cursive.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 18, 2016

The Honorable Jerry McNerney
U.S. House of Representatives
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter sharing your concerns about the potential privacy implications for the Commission's recent proposal to better foster competition in the set-top box marketplace. Your views are very important and will be considered as part of the Commission's review.

I share your commitment to ensuring the privacy protections for consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation. However, consumers should not have to sacrifice their privacy to enjoy these benefits.

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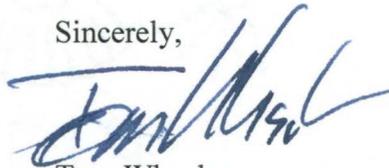
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Tom Wheeler



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OFFICE OF
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March 18, 2016

The Honorable Joe L. Barton
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Barton:

Thank you for your letter sharing your concerns about the potential privacy implications for the Commission's recent proposal to better foster competition in the set-top box marketplace. Your views are very important and will be considered as part of the Commission's review.

I share your commitment to ensuring the privacy protections for consumers. Consumers deserve a variety of choices to view the programming they want, when they want and on the device they want. More choices often drive down consumer costs and drive up innovation. However, consumers should not have to sacrifice their privacy to enjoy these benefits.

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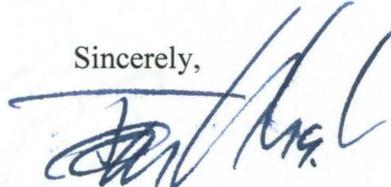
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Tom Wheeler