



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 11, 2016

The Honorable Ted Deutch  
U.S. House of Representatives  
2447 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Deutch :

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act, specifically regarding the impact it may have on the myriad of creators involved in the production of television programming. Your views are very important and will be considered as part of the Commission's review.

Today, there is an abundance of rich content in the television landscape. New technology is paving the way for software and apps to help consumers enjoy this content. 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.

The issue before the Commission is how to satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities and ensure copyright protections, and I assure you that is a paramount concern as we consider how to meet the statutory obligation.

At the February 18<sup>th</sup> Commission meeting, we adopted a 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.

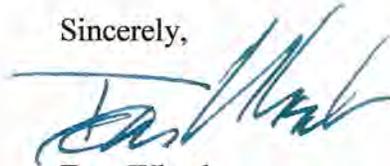
The new proposed rules would create a framework for providing device manufacturers, software developers and others the information they need to introduce innovative new technologies, while at the same time maintaining strong security, copyright and consumer protections. Nothing in this proposal changes a company's ability to package and price its programming to its subscribers, or requires consumers to purchase new boxes.

You express concerns that rules intended to achieve Section 629's mandate could diminish the viewing experience and the economic underpinnings that support investment in innovative content. The Commission's proposal preserves the same copyright protections that exist today and are honored by existing competitive navigation devices such as TiVo. In addition, the NPRM seeks comment on whether and how we should take further actions to address the concerns you raise. For instance, the item asks numerous questions about how to protect the rights and negotiated agreements of content owners. The item also specifically states

that “our regulations must ensure that Navigation Devices...cannot technically disrupt, impede or impair the delivery of services to an MVPD subscriber.” In this vein, the items asks a number of questions related to advertising and copyright concerns raised by content owners.

I believe the Commission’s proposal will lead to innovation that will implement the statutory mandate and improve consumer choice (including options for innovative content providers) while preserving copyright protections. It is important to emphasize that this NPRM is the stage in the process where we collect information. While we have put forth a proposal, we are seeking comment on it – including how to address any concerns it may generate. As we develop a record and explore fulfilling the statutory mandate, all entities are invited to comment on the proposal, including other Federal agencies, in order to create a balanced and well informed approach. I have asked staff to consult with the Copyright Office on the issues you note. I look forward to continuing to work with you on this important issue.

Sincerely,

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

Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

April 11, 2016

The Honorable Tom Marino  
U.S. House of Representatives  
410 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Marino:

Thank you for your letter regarding the recent Notice of Proposed Rule Making (NPRM) seeking comment on how to better foster competition in the set-top box marketplace and Section 629 of the Communications Act, specifically regarding the impact it may have on the myriad of creators involved in the production of television programming. Your views are very important and will be considered as part of the Commission's review.

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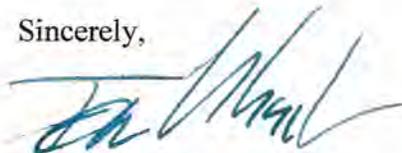
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Tom Wheeler