



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Pete Aguilar
U.S. House of Representatives
1223 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Aguilar:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

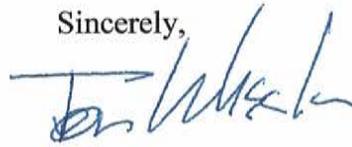
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is stylized with a large, sweeping "T" and a cursive "Wheeler".

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Brad Ashford
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Ashford:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

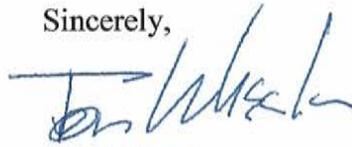
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is stylized with a large initial "T" and a long horizontal stroke.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Tony Cárdenas
U.S. House of Representatives
1510 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Cárdenas:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

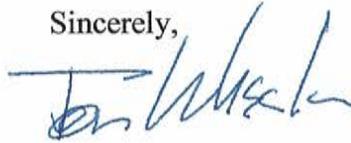
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is fluid and cursive, with a prominent horizontal stroke at the beginning.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Jim Costa
U.S. House of Representatives
1314 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Costa:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

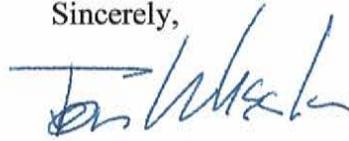
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is stylized with a large initial "T" and a long horizontal stroke.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Henry Cuellar
U.S. House of Representatives
2209 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Cuellar:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

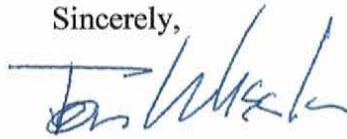
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is written in a cursive style with a prominent horizontal stroke at the beginning.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Eliot L. Engel
U.S. House of Representatives
2462 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Engel:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

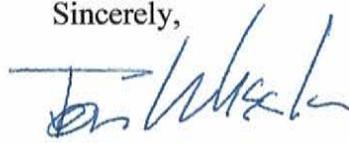
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is fluid and cursive, with a prominent horizontal stroke at the beginning.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Bill Foster
U.S. House of Representatives
1224 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Foster:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

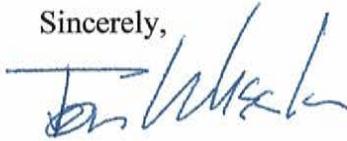
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is written in a cursive style with a horizontal line extending from the left side.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Ruben Gallego
U.S. House of Representatives
1218 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Gallego:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

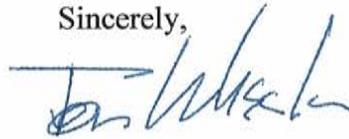
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is stylized with a long horizontal stroke at the beginning and a large, sweeping flourish at the end.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Luis V. Gutiérrez
U.S. House of Representatives
2408 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Gutiérrez:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

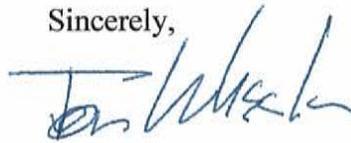
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is stylized with a large, sweeping initial "T" and a long, horizontal stroke extending to the right.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Janice Hahn
U.S. House of Representatives
404 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Hahn:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

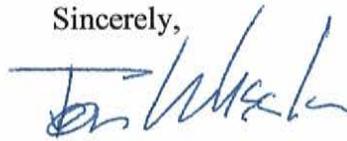
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is fluid and cursive, with a prominent horizontal stroke at the beginning.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Ron Kind
U.S. House of Representatives
1502 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kind:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

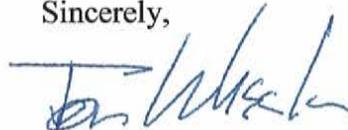
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is written in a cursive style with a horizontal line extending to the left from the start of the name.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Ted Lieu
U.S. House of Representatives
415 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Lieu:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission's proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

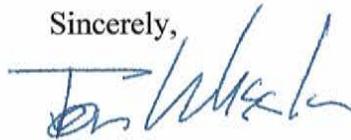
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber's pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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", with a horizontal line extending to the left from the start of the signature.

Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Grace F. Napolitano
U.S. House of Representatives
1610 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Napolitano:

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. Your views are very important and will be considered as part of the Commission's review.

I share your admiration for today's television landscape. There is an abundance of rich content and new technology. As you point out, technology is paving the way for software and apps to help 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.

At the February 18th 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. To the extent that parties have concerns about any of the proposals in the NPRM they should submit specific recommendations for solutions or adjustments into the record.

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. This new framework would make it easier for independent and minority-owned programmers to reach consumers while at the same time maintaining strong copyright, security, and consumer privacy 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.

I also share your goal of ensuring this proposal benefits independent and minority programming. The proposal would facilitate competition in interfaces, search functions, and integration of programming sources, all of which would provide customers with a greater ability to access independent and minority programming. Our goal is to maintain the opportunity for those independent programmers who already have carriage on pay-TV system and provide additional opportunities for those independent programmers who currently cannot reach consumers of pay-TV providers because they are locked out of the system.

You also 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, particularly in independent and minority-owned programming. The Commission’s proposal preserves copyright protections and 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 NPRM asks a number of questions related to advertising and copyright concerns raised by content owners, including independent and minority-owned programming providers.

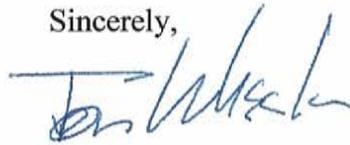
The Commission’s proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet “robustness” requirements, which dictate how resistant a device must be to various forms of hacking, that are set by the content holders, pay-TV providers, and content protections system makers themselves. In addition, the proposal would require third party devices and apps to honor entitlement information, such as what content a subscriber is entitled to (e.g., premium channels) and how the subscriber is entitled to use that content (e.g., by recording it or watching it on a mobile device), established by the terms of the subscriber’s pay-TV subscription package. This content security proposal, which was informed by the congressionally-mandated report drafted by the technical experts on Downloadable Security Technology Advisory Committee, will ensure that all content, including independent and minority programming, is sufficiently secure to prevent theft and misuse.

You also discuss the importance of privacy protections for consumers under the new framework. Let me assure you that the proposal we adopted seeks to ensure that the privacy protections that exist today will also apply to alternative navigation devices and applications. Today, pay-TV providers abide by 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 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 new device or app vendors 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. 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 satisfy Section 629 in a world of evolving technology. I agree with you that any rules we adopt must reflect marketplace realities, especially those faced by independent and minority-owned programmers. I assure you that is a paramount concern as we consider how to meet the statutory obligation.

I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, 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". The signature is fluid and cursive, with a prominent horizontal stroke at the beginning.

Tom Wheeler