



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Pedro R. Pierluisi
U.S. House of Representatives
2410 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Pierluisi:

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.

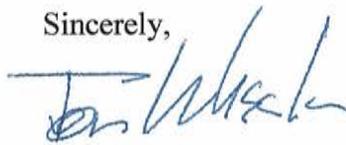
The Commission's proposal similarly ensures the security of content by looking to industry-standard practices. Specifically, the proposal would require third party device and app developers to meet "robustness" requirements, which dictate how resistant a device must be to various forms of hacking, that 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,

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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Charles B. Rangel
U.S. House of Representatives
2354 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rangel:

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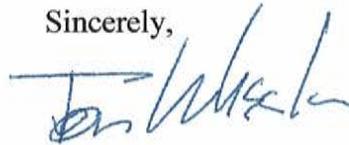
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Tom Wheeler



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WASHINGTON

April 19, 2016

The Honorable Kathleen Rice
U.S. House of Representatives
1508 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Rice:

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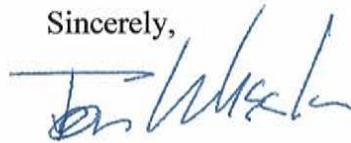
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Tom Wheeler



OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Raul Ruiz
U.S. House of Representatives
1319 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Ruiz:

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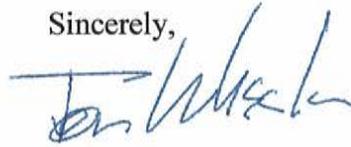
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Tom Wheeler



OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Loretta Sanchez
U.S. House of Representatives
1211 Longworth House Office Building
Washington, D.C. 20515

Dear Congresswoman Sanchez:

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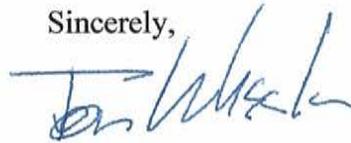
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Tom Wheeler



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Kurt Schrader
U.S. House of Representatives
2431 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Schrader:

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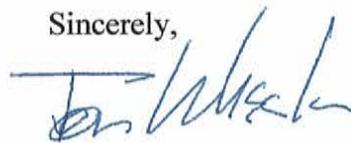
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The new proposed rules would create a framework for providing device manufacturers, software developers and others the information they need to introduce innovative new technologies. This new framework would make it easier for independent and minority-owned 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.

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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.

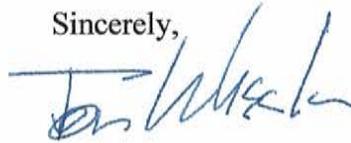
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I believe the Commission's proposal will lead to innovation that will improve consumer choice and help independent and minority-owned content providers better reach audiences. As we develop a record and explore fulfilling the statutory mandate, I look forward to continuing to work with you on this important consumer issue.

Sincerely,

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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Albio Sires
U.S. House of Representatives
2342 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Sires:

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.

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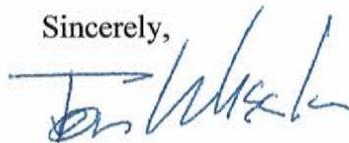
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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Dina Titus
U.S. House of Representatives
401 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Titus:

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.

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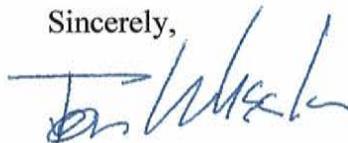
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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Norma J. Torres
U.S. House of Representatives
516 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Torres:

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.

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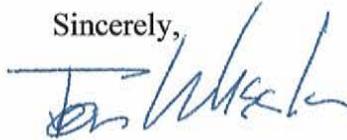
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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Juan C. Vargas
U.S. House of Representatives
1605 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Vargas:

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.

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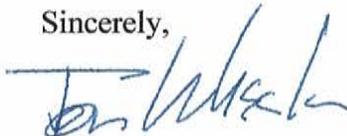
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Tom Wheeler



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 19, 2016

The Honorable Filemon Vela
U.S. House of Representatives
437 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Vela:

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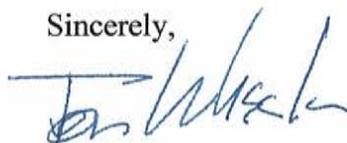
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Tom Wheeler