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May 19, 2016

The Honorable Thomas J. Wheeler
Chairman, Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler and Members of the Commission:

The Commission's recent Notice of Proposed Rulemaking to inject competition into the set top box marketplace is laudable in its objective. I commend you for addressing this important issue. However, similar to any proposal designed to make substantive changes within an established industry, a number of potential concerns have been raised by the affected stakeholders. As the video marketplace is a competitive and innovative environment, I ask how the Commission's proposal will address these concerns.

Protecting intellectual property through copyright is essential to ensuring the television industry continues producing new and unique programming for consumers. This programming is centered upon a contractual relationship that governs content, advertising, and channel placement. However, concerns have been raised that third parties will not abide by the terms of the negotiated contract under the Commission's proposal. I ask how third parties will be affected by the negotiated contractual relationships between content providers and multichannel video programming distributors (MVPD).

Programmers also rely on licensing agreements they make with television providers to ensure the security of their content and safeguard against piracy. Therefore I also ask what protections are in place within the Commission's proposal to ensure that third parties will abide by any content security provisions in programmers' agreements with MVPD providers.

Consumers from diverse communities depend on minority programmers for coverage of issues that are specifically important to them. Their interests sustain minority-owned programming, and any proposal should encourage a more diverse array of voices. Therefore, I ask what affect the Commission believes the proposal will have on minority programing, and I further ask what other efforts are being made to encourage additional minority voices in broadcasting.

Thank you for your attention to this important matter and for answering my questions. If you have any questions, please feel free to contact me or my Counsel Andrew Geibel at 202-224-4744. I look forward to working with you to ensure the Commission's policies support a competitive industry in which intellectual property is protected and companies are encouraged to create diverse and high quality content for consumers.

Sincerely,



Robert Menendez
United States Senator