

June 7, 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:

I write to you regarding the Federal Communication Commission's ("Commission") recent Notice of Proposed Rulemaking (NPRM) designed to provide consumers with greater choice in how they access their video programming. I support the mandate of Section 629 of the Communications Act to ensure the commercial availability of competitive boxes and equipment for consumers to access their video programming, and the Commission's proposal continues the important debate about the best way to promote competition in the set-top box marketplace. However, I urge the Commission to fully consider the effects of the proposed rule on consumer privacy and customer service to ensure the voices of all stakeholders are being considered before approving a final rule.

The Commission's proposed rule must not undermine the fundamental consumer privacy and security protections of the Communications Act. Specifically, I am concerned that the proposal considers allowing third-party navigation devices to "self-certify" their compliance with subscriber privacy protections. It is imperative that the Commission fully considers whether a self-certification process could create a dangerous loophole within our current privacy and security protections. As the NRPM notes, any rules must not undermine the underlying consumer privacy goals of the Communications Act.

I am also troubled that the proposal may not preserve the customer service rights of consumers. Cable operators, for example, have customer service obligations to maintain telephone availability 24 hours a day, seven days a week. Customers must receive identical services from third-party providers of navigation devices necessary to resolve technical issues they may encounter with those devices. I am concerned that, without explicit protections, this proposal could diminish the ability of consumers across the nation to access the technical assistance they need to operate and maintain their video programming device.

While I share the goal of the Commission to bring more competition to the set-top box marketplace, I strongly encourage the Commission to fully consider the innovation and rapid evolution of the current market. Please feel free to contact Lance West in my office if you have any questions or need any additional information. He can be reached at 202-224-3954 or Lance_West@manchin.senate.gov. Thank you for your time. I look forward to your response.

Sincerely,



Joe Manchin III
United States Senator