



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 19, 2016

The Honorable Sheila Jackson Lee
U.S. House of Representatives
2160 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Jackson Lee:

Thank you for your letter concerning issues relating to 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.

The Commission has a statutory obligation under Section 629 of the Communications Act to assure the commercial availability of navigation devices to consumers from sources other than their traditional video programming providers, like cable, satellite, or telecommunications providers. Section 629 of the Communications Act is explicit: "The Commission shall... adopt regulations to assure the commercial availability, to consumers of multichannel video programming... of converter boxes, interactive communications equipment, and other equipment... from manufacturers, retailers, and other vendors not affiliated with any multichannel video program distributor [emphasis added]." Section 629(b) further provides that such alternatives must be secure. The issue before the Commission is how to obey Section 629 in a world of evolving technology. The lack of choice that consumers have today for set top boxes would appear to be the opposite of the choice inherent in an "app TV" future and contrary to the statutory mandate.

I understand there has been some misinformation that the Commission is currently considering the so called "All-Vid" approach to meeting our obligations under Section 629. I understand your concerns around this approach and can assure you that All-Vid, a 2010 proposal that consumers obtain a separate, additional device in order to access video programming, is not under consideration by the Commission. At the February 18th Commission meeting, we issued a Notice of Proposed Rule Making (NPRM) to comply with the statutory requirement of competitive choice for consumers.

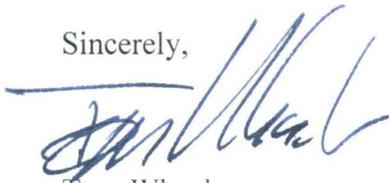
Like all NPRMs, this action opens a fact-finding dialog to build a record upon which to base any final decision.

In order that commenters can avoid wasting time on subjects not under consideration, the NPRM proposed a specific approach to fulfilling the statutory mandate. The new proposed rules would create a framework for providing device manufacturers, software developers and others the information they need to introduce innovative new technologies, while at the same time maintaining strong security, copyright and consumer protections. Nothing in this proposal changes a company's ability to package and price its programming to its subscribers, or requires consumers to purchase new boxes.

I also share your goals that public safety and access to minority programming not be adversely affected. The proposal under consideration includes the critical capabilities to receive emergency alerts, protect privacy and abide by copyright rules. Further, competition in interfaces, search functions, and integration of programming sources can lead customers to have greater ability to access minority and special interest programming. This is about rising increased access and choice to the top of the pile, not the bottom.

As we continue to explore fulfilling the statutory mandate I look forward to continuing to work with you. I can assure you that we are in complete agreement about reducing consumer costs, lowering energy consumption, encouraging innovative programming, and protecting privacy, public safety and children.

Sincerely,

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

Tom Wheeler