

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 304 of the Telecommunications Act of 1996	)	CS Docket No. 97-80
	)	
Commercial Availability of Navigation Devices	)	
	)	
Compatibility Between Cable Systems and Consumer Electronics Equipment	)	PP Docket No. 00-67
	)	

To: The Commission

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”) hereby submits comments in response to the Commission’s request for comments on its Fourth Notice of Proposed Rulemaking with rules designed to improve operation of the CableCARD regime in the interim while it considers a successor solution.<sup>1</sup>

**INTRODUCTION**

TIA submits these comments in response to the Commission’s request for comments on proposed interim rules for its CableCARD regime. As the Commission has

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<sup>1</sup> *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment*, Fourth Further Notice of Proposed Rulemaking, CS Docket No. 97-80, PP Docket No. 00-67 (rel. April 21, 2010) (“Fourth CableCARD FNPRM”).

correctly concluded, the CableCARD regime has not been successful.<sup>2</sup> The rules associated with CableCARD demonstrate the perils of imposing specific technology mandates, which can slow innovation and harm the consumer. FCC policies should promote more flexible use of voluntary, industry led solutions. Further, the FCC should promote bandwidth conservation and optimization to achieve its goals in the National Broadband Plan, particularly as video services and devices increasingly drive broadband adoption and use.

TIA is the leading trade association for the ICT industry. Its 500 member companies manufacture or supply the products and services used in the provision of broadband and broadband-enabled applications. TIA members' products and services empower communications in every industry and market, including health care, education, security, public safety, transportation, government, the military, the environment and entertainment. TIA represents manufacturers of set-top boxes and is directly impacted by the CableCARD rules.

## **I. TIA URGES THE COMMISSION TO AVOID TECHNOLOGY MANDATES TO MAXIMIZE CONSUMER CHOICE**

The FNPRM seeks comment on proposals to amend the FCC's current requirement that cable operators include IEEE 1394 interfaces on all high-definition (HD) set-top boxes that they deploy.<sup>3</sup> The Commission tentatively concludes that allowing manufacturers greater choice in the specific interface they include in their set-top boxes will serve the public interest by enabling connectivity with the multitude of IP devices in consumers' homes.<sup>4</sup> The Commission delineates four options that cable operators could use to meet their interface requirements: (i) an IEEE 1394 interface, (ii) an Ethernet

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<sup>2</sup> See Comment Sought on Video Device Innovation, NBP Public Notice #27, GN Docket Nos. 09-47, 09-51, 09-137; CS Docket No. 97-8- (rel. Dec. 3, 2009); Fourth CableCARD FNPRM.

<sup>3</sup> Fourth CableCARD FNPRM at 9, ¶19.

<sup>4</sup> *Id.*

interface, (iii) Wi-Fi connectivity, or (iv) USB 3.0 on all high-definition (HD) set-top boxes acquired for distribution to customers.

TIA supports the proposal to allow more flexibility in the design of leased cable set-top boxes; however, the Commission should not limit manufacturers to the four options listed in the FNPRM. The Commission should allow operators maximum flexibility for their output requirements by either making them optional or allowing the use of any Internet Protocol (“IP”) output. The marketplace has already migrated to IP-based connectors and the 1394 output is a costly and little-used technology.<sup>5</sup> Both manufacturers and providers have stated that the 1394 Rule adds unnecessary costs and “hinders rather than promotes innovation, interoperability, and consumer benefit.”<sup>6</sup>

TIA has consistently urged the government to avoid technology mandates, which undermine investment incentives and chill innovation by forcing providers to deploy least-common denominator solutions.<sup>7</sup> This ultimately harms the consumer by increasing cost and limiting choice. Instead the Commission can play a constructive role in encouraging continued innovation through voluntary, industry-led solutions. This allows for the flexibility necessary due to evolving nature of technological development.

The 1394 Rule illustrates the danger of prescribing a specific technology to achieve a particular policy goal. At the time the regulation was adopted, the IEEE 1394 interface was considered the only suitable output for enabling the recording of digital content.

However, the market has moved away from this expensive technology to accommodate

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<sup>5</sup> See *In the Matter of Motorola, Inc.’s Request for Waiver of 47 C.F.R. § 76.640(b)(4)*, Request for Waiver, CSR-8251-Z, CS Dkt. No. 97-80 (Nov. 25, 2009) at 4-6 (“Motorola Request” or “Request”).

<sup>6</sup> Cite to Intel, Motorola, CEA and Verizon comments. TIA notes that several companies have filed for waiver of the 1394 requirement and urges that these requests be granted during the pendency of the rulemaking.

<sup>7</sup> Cite to TIA NPB Reply Comments

more widely deployed Internet Protocol (“IP”) technologies, while 1394 is considered a marketplace failure in both the U.S. and abroad.<sup>8</sup> Yet, cable operators are still required to include the 1394 interface on all HD boxes provided to their customers, adding costs to the finished product and exemplifying how technology mandates can ultimately harm the consumer.

## **II. CONSISTENT WITH THE GOALS OF THE NATIONAL BROADBAND PLAN, THE COMMISSION SHOULD PROMOTE BANDWIDTH CONSERVATION AND OPTIMIZATION**

In its National Broadband Plan the Commission established significant but achievable goals to drive broadband deployment and adoption in our country. The Commission recognized that video devices and broadband-based video platforms will play an important role in driving broadband use and adoption. In order to meet these goals, FCC policies should encourage bandwidth conservation efforts, which will facilitate higher broadband speeds and enable proliferation of devices.

The FNPRM seeks comment on Switched Digital Video (“SDV”) and whether Commission action is necessary to ensure consumers have access to channels delivered through switched-digital technology.<sup>9</sup> TIA urges the Commission to develop policies that will not limit SDV deployments and avoid requirements that may add unnecessary costs. The FNPRM also seeks comment on whether to allow operators to place into service new, one-way navigation devices, also known as Digital Transport Adapters (“DTAs”), that perform both conditional access and other functions in a single integrated

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<sup>8</sup> International trade press has listed 1394 as one of the top 10 most disappointing technologies. See Iain Thomson & Shaun Nichols, *Top 10 Disappointing Technologies*, PC Authority.Com, May 18, 2009, at <http://www.pcauthority.com.au/News/145271,top-10-disappointingtechnologies.aspx> (“Outside of a few models of high-end video cameras, FireWire isn’t seen much these days.”).

<sup>9</sup> Fourth CableCARD FNPRM at 6, ¶14.

device but do not perform recording functions.<sup>10</sup> TIA supports approval of a broad DTA exemption that would include high-definition DTAs and retail devices with a DTA capability. This will result in more cost-effective access to advanced services through the availability of less expensive converter boxes, while promoting more effective use of the network.

## **CONCLUSION**

For the forgoing reasons, TIA urges the Commission to refrain from technological mandates that limit consumer and allow operators maximum flexibility in output requirements. Further, TIA supports a broad exemption of CableCARD requirements for DTAs, and urges the Commission to reject any costly new SDV-related requirements.

Respectfully submitted,

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<sup>10</sup>*Id.* at 9, ¶22.