



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

July 8, 2015

The Honorable Tom Wheeler, Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Wheeler,

As you know, nearly 20 years ago Section 629 of the Communications Act required the FCC to establish rules ensuring consumers could buy cable set-top boxes from someone other than their local cable company. This pro-competitive law paved the way for innovative companies like TiVo and Hauppauge, and remains just as important today.

In implementing Section 629, the FCC established a CableCARD-based "integration ban," ensuring that companies selling set-top boxes or other navigation devices through retailers have access to the security technology necessary to provide consumers with the same features and functionality that are available through a cable operator's leased set-top box (otherwise known as "common reliance.")

Last year, as part of the STELA Reauthorization Act of 2014 (STELAR), Section 106 set in motion a repeal of the integration ban and with it, the establishment of a stakeholder working group aimed at finding a successor solution. While repeal of the integration ban was not my preferred outcome, the carefully crafted compromise delayed repeal of the ban by one year and preserved the obligation to promote the competitive availability of set-top boxes under Section 629.

It is critical that the Commission not ignore its mandate under Section 106 of STELAR and 629 of the Communications Act. Downloadable security alone will not assure the commercial availability of equipment used by consumers to access multichannel video programming because security is only one component of device compatibility. For a retail device to be able to access programming, the device needs information such as the programming it is receiving, how to select the programming it is receiving, and the format of the programming it is receiving. This is consistent with Section 106 which explicitly tasks the working group with recommending a "technology- and platform-neutral software-based downloadable security system designed to promote the competitive availability of navigation devices in furtherance of section 629."

The Commission must not lose sight of the mandate Congress established under Section 629 and that is to give consumers an alternative to having to rent a set-top box from their local cable company every month. I therefore encourage you to seek input on the entire system as the statutory language directs, rather than just elements of downloadable security that do not, on their own, further Section 629.

Thank you for your leadership and commitment to advancing greater competition, innovation, and consumer choice in the set-top box market.

Sincerely, *and gratefully,*


Anna C. Eshoo, Ranking Member
Subcommittee on Communications and Technology
Energy and Commerce Committee

- cc: The Honorable Mignon Clyburn, Commissioner
- The Honorable Jessica Rosenworcel, Commissioner
- The Honorable Ajit Pai, Commissioner
- The Honorable Michael O'Rielly, Commissioner