

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
Public Notice on Final Report of the)	MB Docket No 15-64
Downloadable Security Technical)	
Advisory Committee)	

**REPLY COMMENTS
of the
NTCA – THE RURAL BROADBAND ASSOCIATION**

NTCA – The Rural Broadband Association (“NTCA”) hereby submits these reply comments in the above referenced proceeding.¹ By Public Notice, the Media Bureau sought comment on the Report submitted to the Federal Communication Commission (the “Commission”) by the Downloadable Security Technical Advisory Committee (“DSTAC”).² NTCA supports those commenters who point out that the DSTAC exceeded its authority in its device recommendations of the WG4 Report and argues that the DSTAC analysis is inherently

¹ *Media Bureau Seeks Comment on DSTAC Report*, Public Notice, MB Docket No. 15-64, DA 15-982 (Rel. Aug. 31, 2015) (“Public Notice”).

² DSTAC Report, submitted to the Federal Communications Commission on August 28, 2015 and attached to the Public Notice (“WG4 Report”).

flawed in that no input was sought or received from the small and rural providers of video services.³

NTCA represents nearly 900 small, local telecommunications providers who provide voice, broadband, wireless and/or video service to rural consumers across the country. NTCA's members and the markets they serve lack the scope and scale to absorb and then spread recovery of the costs associated with unfunded technology mandates.

Despite the directive in Section 106(d) of the Satellite Television Extension and Localization Act Reauthorization Act of 2014 ("STELAR") that the FCC Chairman "establish a working group of technical experts representing a wide range of stakeholders,"⁴ notably lacking from the DSTAC was any stakeholder who represented the interests of small, rural multichannel video program distributors ("MVPDs"). As the American Cable Association ("ACA") points out, this lack of representation likely contributed to recommendations by some committee members that not only insufficiently address the challenges that all MVPDs would generally face in meeting the high hurdle of such standards and protocols, but also specifically fail to consider the substantial additional burden implementation of such standards would place on small operators.⁵

³ See, e.g., Comments of the American Cable Association (ACA"), Comcast, AT&T, National Cable and Telecommunications Association ("NCTA").

⁴ Satellite Television Extension and Localism Act Reauthorization of 2014, Pub L. No. 113-200, 128 Stat 2059 §106(9) ("STELAR")

⁵ ACA Comments, pp. 2-3.

In particular, the Device Proposal described in the WG4 Report goes beyond Congress's mandate that the DSTAC make recommendations regarding downloadable security solutions,⁶ and patently ignores the statutory directive that the solutions offered not be "unduly burdensome."⁷ NTCA's members are at various stages of technology upgrades, many still operating analog systems, and report that they would need to upgrade or re-architect their networks at a cost of millions of dollars for no purpose other than to comply with a regulatory directive and with little, if any, opportunity to recover such costs. Assuming the approach were even technically achievable – and it is not clear that it is – the Device Proposal would impose additional burdens on consumers themselves by requiring those consumers to install new servers and tuning adaptors from their pay TV provider to support retail devices – at additional cost.

Consumers today already have a wide variety of options for the delivery of video services that effectively ride atop, but yet go well beyond, traditional MVPD platforms. As NCTA describes it, "Apps from MVPDs are now available on more than 460 million devices in the United States – more than twice the number of set-top boxes currently in use – including smartphones, tablets, smart TVs, streaming set-top boxes like Roku, game consoles, and other connected devices."⁸ There are streaming services available from Amazon or Netflix and an array of consumer electronic devices that permit consumers to build their own packages.

⁶ Submission for the Record of "Application-Based Service" Advocates, MB Docket No. 15-64 (filed Aug. 7, 2015).

⁷ STELAR §106(d).

⁸ NCTA Comments, pp. 8-9, 14-15.

Previous Commission video technology mandates have been expensive failures.⁹ The market driven, apps-based approach to consumer demand is already working as consumers have real choice for the delivery of video services. There is no need for expensive technical mandates to encourage competition in an already competitive distribution marketplace. In light of the many functional alternatives already available to consumers – alternatives that already rely upon and use the broadband-capable networks operated by nearly every MVPD – the Commission should refrain from considering additional action at this time.

Respectfully Submitted,



By: /s/ Jill Canfield
Jill Canfield
Vice President of Legal and Industry,
Assistant General Counsel
jcanfield@ntca.org

4121 Wilson Blvd, 10th Floor
Arlington, VA 22203
(703) 351-2000

November 6, 2015

⁹ See, NCTA, *Now is the Time for Congress to Eliminate the Integration Ban* (Mar 31, 2014). <https://www.ncta.com/platform/public-policy/now-is-the-time-for-congress-to-eliminate-the-integration-ban/>.