



## What Others Are Saying About The FCC's Set-Top Box Mandate

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### Bipartisan Members of Congress

30 Members of the Congressional Black Caucus led by Rep. Yvette Clarke:

"All Vid will cause irreparable harm to independent and minority programmers by allowing third parties to strip programming from visible channel placements and relegate it to the bottom of the pile." [Letter to the FCC, 12/01/15](#)

60 Bipartisan Members of Congress led by Rep. Kevin Cramer & Rep. Kurt Schrader:

"The Federal Communication Commission's recently proposed rules... will jeopardize the incredible evolution of video distribution services enabled by generally reasonable regulation. Imposing new, onerous regulations on pay-TV providers would produce very few benefits for consumers..." [Letter to the FCC, 05/05/16](#)

23 Bipartisan Members of Congress led by Rep. Doug Collins and Rep. Ted Deutch:

"The market for video programming is one of the most competitive sectors of the creative economy... In order to keep this ecosystem intact and ensure that creators are able to make a fair living from their trade, we urge you to prevent third-party competitors in the set-top box market from making commercial use of or modifying copyrighted programming without acquiring a direct license from the owner of the content." [Letter to the FCC, 04/22/16](#)

Sen. John Thune, Chairman, Sen. Committee on Commerce, Science, & Transportation:

"...I am skeptical that new regulations, such as those proposed by the FCC, would deliver better results for consumers and content creators than the astonishing and empowering disruptions that is already happening in the marketplace." [Letter to the FCC, 04/22/16](#)

Sen. Bill Nelson, Ranking Member, Committee on Commerce, Science, & Transportation:

"...Both the viewing experience and the economic underpinnings that support investment in innovative content stand to be diminished." [Letter to the FCC, 02/12/16](#)

Rep. Bob Goodlatte & Rep. John Conyers, Chairman & Ranking Member of the House Judiciary Committee:

"...The proposal could lead to an expansion in the unauthorized distribution of creative works... We will continue to remain watchful to ensure that any proposed FCC regulations are appropriate and promote, rather than inhibit, future competition in this important marketplace." [Letter to the FCC, 04/29/16](#)

## The Creative Community

Gale Anne Hurd, Executive Producer, *The Walking Dead*:

“The FCC should reject this new AllVid proposal and help prevent piracy from becoming as prevalent in the living room as it is on laptop and mobile devices. If the commission doesn't, I'm afraid that all of us who create, market and broadcast legitimate content will be like the zombies on my show: the walking dead.” [USA Today, 04/12/16](#)

18 Independent Content Creators, including actress and producer Eva Longoria:

“If this rule passes, Google will instead be able to strip-mine our creative work for free, while collecting valuable data on users' viewing history and monetizing it through ads. The Commission should not be in the business of placing its thumb on the scale by giving billions of dollars of business value to tech companies at the expense of independent programmers.” [Comment submitted to the FCC, 02/18/16](#)

Victor Cerda, Senior Vice President, VMe TV:

“If Google wants to include our programming in their products and services, we'd be excited to sit down and negotiate a licensing deal with them. But instead they're asking the FCC to give them access to our programming for free, along with permission to ignore the terms in our licensing contracts that protect our channel placement and visibility.” [Future of TV Coalition Press Release, 02/04/16](#)

21<sup>st</sup> Century Fox, A&E Television Networks, CBS, Scripps Networks Interactive, Time Warner, Viacom, and the Walt Disney Company:

“Rather than simply fostering a marketplace for equipment alternatives, the proposed rules would upend the video marketplace in ways destined to harm content creators and consumers, while providing unwarranted benefits to app and technology developers with little or no appreciable benefit to the public interest.” [Comment submitted to the FCC, 04/22/16](#)

Music Community groups (RIAA, NMPA, A2IM, AFM, SAG-AFTRA, & SoundExchange):

“The Commission's proposal could create an unfair competitive landscape... The result would be to frustrate the incentives to create and disseminate copyrighted content via MVPD services and stifle innovation in business models that allow consumers access to music.” [Joint comment submitted to the FCC, 04/22/16](#)

Keith Kupferschmid, CEO, The Copyright Alliance:

“The AllVid proposal allows the third party, who has not paid a dime to license the copyrighted TV programming, to offer their own commercial video service that includes that programming. In other words, they don't have to pay for the TV programming, but they are allowed to make money from it.” [The Hill, 04/18/16](#)

## Diverse Programmers and Advocacy Organizations

Alfred Liggins, CEO, TV One:

“AllVid mandate would allow the Internet insiders to ignore [licensing] terms – a new form of digital ‘redlining’ that could bury diversity programming in the farthest reaches of the program guide. Allowing AllVid special interests to raid the programming ecosystem in this way could cause the “Golden Age of TV” that everyone celebrates today to collapse – and smaller, independent and diverse networks will likely be the first ones left behind.” [The Tennessean, 12/03/2015](#)

Keith Clinkscales, CEO, Revolt Media and TV:

“While this [mandate] will hurt all TV artists, the first victims will be diverse and independent voices... as I explained earlier this year, ‘Independent and minority networks, who are already last in line, would simply get no resources, no opportunity, and no path to the audiences we serve.’” [Comment to the FCC, 04/22/16](#)

Frank Washington, CEO, Crossings TV:

“Many have observed that the Google workforce looks nothing like the diverse communities it purports to serve. For programmers like ours, these giant new boxes could mean a one-way ticket to the back of the bus.” [The Seattle Times, 3/8/16](#)

The League of United Latin American Citizens (LULAC):

“It is hard to understand why the Commission is under the impression that blending over-the-top programming with paid-TV channels in a 3rd party interface will lead to more revenue for diverse programmers.” [Comment submitted to the FCC, 02/17/16](#)

Felix Sanchez, Chairman & Co-Founder, National Hispanic Foundation for the Arts:

“If technology companies are able to disregard licensing terms, there is no guarantee that minority and independent programming will reach their designated audiences. Third party boxes would have the ability to repackage programming on their own terms, potentially making diverse channels harder to find by moving them to the back pages of channel guides or search results.” [Comment submitted to the FCC, 03/21/16](#)

Multicultural Media, Telecom and Internet Council (MMTC):

“Such a mandate would create ‘second class carriage’ for diverse content and programming by making these offerings less visible and available to consumers in an already competitive video marketplace.” [MMTC Press Statement, 01/28/16](#)

Diverse Chambers of Commerce (USHCC, NGLCC, USPAAC, and USBC):

“This proposed rule represents a massive federal intervention into the television marketplace, which has never before been more dynamic or competitive. Far from serving the best interests of minority communities, this rule creates an unfair advantage for large tech companies at the expense of minority content creators and entrepreneurs.” [Joint comment submitted to the FCC, 04/11/16](#)

## The Labor Community

Communication Workers of America:

“The Commission undertakes this rulemaking at a time of explosive growth in web-based video streaming... Despite these market-based developments, the Commission now proposes a complex set of rules that would require MVPDs to make their programs and video guides available for free to some of the wealthiest companies on the planet, such as Google. On its face, this appears to go well beyond Section 629’s mandate to “to assure commercial availability” of non-affiliated navigation devices.” [Comment submitted to the FCC, 04/22/16](#)

Directors Guild of America and IATSE:

“[The proposal] has the potential, while not the intent of the FCC, to harm our members’ ability to make a living, and to undermine the important security nets that protect them... We do not see the NPRM taking into consideration the critical interrelationship between the distribution of content and the compensation system that pays filmmakers and craftspeople for actually creating that content.” [Joint comment submitted by DGA & IATSE, 04/22/16](#)

International Brotherhood of Electrical Workers:

“Many IBEW members work in telecommunications and broadcasting, and the proposal would put tens of thousands of American jobs at risk in those industries... There is no reason to put jobs at risk when there is clear evidence the market is working. We call on the FCC to pause or withdraw this proposal.” [Comment submitted to the FCC, 05/05/16](#)

## The Business Community

U.S. Chamber of Commerce:

“The Chamber opposes the proposed FCC rule because it threatens sustainable competition by not explicitly protecting copyright and licensing agreements or the integrity of advertising and because of the significant privacy issues it raises... Any company that wants to truly compete in the video marketplace is already free to negotiate for contract rights and launch its own ‘over-the-top’ service to compete with incumbent television providers.” [Comment submitted to the FCC, 04/22/16](#)

National Association of Manufacturers:

“The proposed rulemaking on video navigation choices may result in increased compliance costs, re-engineering of networks, and new hardware requirements therefore diverting critical resources away from enhancements to the telecommunications networks the manufacturing sector is dependent on for driving innovation.” [Comment submitted to the FCC, 4/22/16](#)

## Tech Innovators and Advocates

Roku:

“Today’s video distribution marketplace is marked by tremendous innovation and rapid change. The proposed rules carry a very real and significant risk of impeding the innovation that is occurring today by replacing today’s market-driven advances that are expanding consumer choice with a lengthy rule making and standard-setting process.” [Comment submitted to the FCC, 04/22/16](#)

CALinnovates:

“The market is functioning well, with rich offerings and mixes of content and technologies vying for eyeballs across platforms, devices and generations. To repeat: Why an agency would step in at this moment to damn a rushing river is curious, if not misguided. That is why CALinnovates – a coalition of technology leaders, startups, and entrepreneurs – opposes the Commission’s plan to interject itself into this thriving, vibrant market with a one-size-fits-all set-top box mandate that will stifle innovation...” [Comment submitted to the FCC, 4/22/16](#)

## Privacy Advocates

Jeff Chester, Center for Digital Democracy:

“It’s outrageous that as Google expands the data it collects for targeting video advertising, it opposes having the FCC ensure through stronger rules that set-top boxes ... can actually protect consumer privacy,” [Quoted in The Verge, 04/26/16](#)

Electronic Privacy Information Center:

“The FCC’s proposal to require retail navigation device manufacturers to self-certify compliance with privacy rules fails to meaningfully protect consumers.” [Comment submitted to the FCC, 04/22/16](#)

Julia Angwin, *ProPublica*:

“Cable TV companies and video rental companies are prohibited by law from selling information about the viewing habits of their customers. However, Vizio says that those laws - the Video Privacy Protection Act and cable subscriber protections - don’t apply to its business.” [ProPublica, 11/09/15](#)

Debra N. Diener, former Director of Privacy Policy at the U.S. Department of Homeland Security and Deputy Director of Privacy Policy at the IRS:

"There have been general statements by Chairman Wheeler and others that similar, but not exact, privacy rules will be formulated for new third-party providers under this proposal. Those broad statements provide only cold comfort to consumers.” [Privacy Made Simple, 02/17/16](#)

## Economists & Financial Analysts

Stan Besen, Senior Consultant at Charles River Associates:

“The Commission’s proposal would impose significant costs on MVPDs, costs that would be avoided if ongoing marketplace developments that involve the employment of apps were permitted to proceed... These costs would ultimately be borne by MVPD subscribers.” [Appendix B, Submitted to the FCC 04/22/16](#)

Steve Wildman, Chair of Telecommunication Studies Emeritus, Michigan State University:

“The marketplace that is likely to emerge from the proposed rules is likely to distort competition in multiple ways that will promote inferior services and diminish the quantity, quality and diversity of video programming.” [Submitted to the FCC, 04/22/16](#)

Frank Louthan, Simon Leopold, & Tavis McCourt, Raymond James & Associates:

“It would be a mistake to introduce this additional regulatory burden on a sector that is largely solving the problems that the FCC is attempting to address through technology migrations, software, and other individual technology solutions that go beyond set top boxes.” [Comment submitted to the FCC, 04/11/16](#)

## Other Voices

Natural Resources Defense Council:

“It appears to us that the FCC did not take into account the energy use and environmental implications of its proposal... If these new STB consume energy levels similar to basic STBs that have been deployed, then we are looking at adding 100 kWh/yr or more to the consumer's electric bill.” [FCC filing, 4/13/15](#)

Larry Downes, Georgetown Center for Business and Public Policy:

“Quite simply, mandating technological changes at the lumbering pace of a federal agency is almost always a counter-productive (or worse) endeavor.” [The Washington Post, 01/29/16](#)

Adonis Hoffman, former Chief of Staff to FCC Commissioner Mignon Clyburn:

“It appears that the FCC has already greased the skids by allowing one company to help it write the specifications of a system that is supposed to be open to definition. As with other major policy matters, Google has demonstrated an outsized affect and influence on yet another Obama technology policy decision.” [The Hill, 02/10/16](#)

Ev Ehrlich, former Undersecretary of Commerce:

“[T]he mandate is really about a massive transfer of huge chunks of the TV business to tech companies like Google – essentially a government giveaway that will pile new monopolies on Google’s already heaping plate... Promoting set-top box ‘competition’ – as proponents of the rule claim they want to do – is merely a decoy.” [The New York Post, 03/24/16](#)