



June 16, 2016

Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Michael O'Rielly  
Commissioner Ajit Pai  
Commissioner Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, DC 20554

RE: Commercial Availability of Navigation Devices, MB Docket No. 16-42, MB Docket No. 15-64, CS Docket No. 97-80.

Dear Mr. Chairman and Commissioners:

The modern world of communications is both evolving and challenging. We appreciate the FCC's leadership in trying to bring order to a rapidly changing atmosphere.

The discussion generated by the FCC's proposed rules has helped the entire industry place the consumer's needs at the center of the discussion of emerging technologies and we applaud that focus. However, the FCC's proposal, in the end, will jeopardize future innovation, competition, and the value of independent and diverse creative content that our nation's TV viewership enjoys today.

Under the FCC's proposal, existing content companies will be forced to provide the programs they create to entities such as Google to repackage and monetize without negotiating with or compensating distributors and creators for the rights to their programming. At its heart, the agency's proposal strips away our ability to negotiate for the use and placement of our created content in key areas of branding and promotion, channel placement, digital and on-demand rights, and advertising restrictions. The impact to consumers will be higher prices and fewer choices.

Unless a different approach is taken, the Commission will upend current successful business models at the expense of today's content creators. In addition, cable and satellite companies would be forced to take valuable resources that could be used to promote and invest in diverse programming to instead respond to a government-backed technology mandate. We fear that minority programmers will be the first casualty of this misguided effort. We believe there is a better way to serve the public which will not undermine the hard fought efforts by minority and independently owned media to gain access to the audience and funds that finance our ability to create unique programming.

Content creators like us welcome new technologies and platforms and want consumers to be

able to view our content on as many platforms as possible. Today's consumer has quickly embraced a TV world with new apps, services, and devices from various new players such as Roku, Amazon and Apple TV. This array of choice and competition was brought about not from a government plan, but through a combination of technological innovation, competition and underlying consumer demand in the market. Finding a path which provides consumers more platforms like these from which to view content, while at the same time preserving our ability to create new and exciting content, is a difficult balancing act that requires thoughtful discussion.

Our hope is to find a new path forward; a path that 1) brings the most advanced technology in the world to bear on the issue and 2) presents a market-based solution that enables all consumers to have access to a wide array of valuable content, consistent with existing content licenses, which will permit content creation to continue to flourish for the benefit of all consumers.

In response to the Chairman's proposal, and in the spirit of collaboration, we write today to support a new alternative approach that builds upon the technological and competitive forces underway to help spur more innovation, enhance competition and provide greater choices to consumers. This proposal is a preferred option for addressing the concerns that we and others have raised about the FCC's proposal, and fully implements Congress' goals by assuring the competitive availability of navigation devices.

This approach builds upon the innovation that has already begun in this space, but does so in a way that does not threaten the existence of independent programmers as the current proposal does. It also recognizes and respects the bedrock principles of content acquisition and value by ensuring the continuity of enforceable contracts that today are essential for content creators and programmers to secure vital distribution deals. Through technical measures of the HTML-5 app, along with further guarantees from future license agreements, this approach presents a mechanism for enforcing the measures that secure and protect the copyrights, contracts, advertising, presentation, and promotional terms that are essential for the creation and distribution of programming.

With this alternative approach you now have a unique opportunity to create a win-win solution that accelerates competition in the market for navigation devices, provides consumers with greater TV viewing options, and creates a firm foundation to enable specialized and minority programmers to continue to secure financing and attract audiences for their unique content in a 21<sup>st</sup> century world of competing navigation providers.

We look forward to continuing the dialogue with the Commission in the days ahead to help reach a solution that furthers the public interest by ensuring expanded innovation, creativity, and diversity of TV content throughout the nation.

Sincerely,

Keith T. Clinkscales  
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Alfred C. Liggins, III  
Chairman, TV One, LLC

Victor X. Cerda  
SVP, V-me Media Inc.