



## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

September 21, 2016

The Honorable Tom Wheeler  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Wheeler:

I write in response to the Federal Communications Commission's new proposal for set-top box competition, as discussed in your editorial published in the *Los Angeles Times* on September 8, 2016 and a fact sheet released by the Commission.

I support the Commission's effort to provide consumers with more choice in the set-top box marketplace, but I continue to have concerns about the proposal, which I understand has been circulated to other commissioners but not made public.

I remain concerned that the Commission's proposal could adversely impact content providers who rely on heavily-negotiated licensing agreements with paid television providers to ensure that they are fairly compensated for their work. In addition, I am concerned that the proposal may encroach upon the Senate Judiciary Committee's jurisdiction over copyright law, which establishes content owners' exclusive protected rights and also provides for certain situations in which a license is compulsory.

Given the significance of this proceeding, I ask that you make public the new proposal under consideration by the Commission, so that all interested stakeholders, members of Congress, copyright experts, and others can comment on the potential copyright implications of the new proposal before the Commission votes on it.

Thank you for your time and attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

cc: Commissioner Mignon Clyburn,  
Commissioner Jessica Rosenworcel,  
Commissioner Ajit Pai  
Commissioner Michael O'Rielly  
Maria Pallante, United States Copyright Office