

**Before the
Federal Communications Commission
Washington, D.C. 20544**

In the Matter of	)	
	)	
Basic Service Tier Encryption; Compatibility	)	MB Docket No. 11-169,
Between Cable Systems and Consumer	)	PP Docket No. 00-67
Electronics Equipment	)	

**COMMENTS OF THE MINORITY MEDIA
AND TELECOMMUNICATIONS COUNCIL**

The Minority Media and Telecommunications Council (MMTC) respectfully submits these Comments in response to the Commission’s Notice of Proposed Rulemaking (*NPRM*)¹ regarding encryption of the basic service tier on cable systems. MMTC supports the Commission’s proposals in the *NPRM* and urges that the Commission move expeditiously to allow cable operators to encrypt the basic service tier on all-digital systems, subject to the consumer protection measures referenced in the *NPRM*.²

MMTC shares the Commission’s interest in addressing the potential impact of digital basic tier encryption on those customers who may be accessing digital basic channels without a set-top box and may need to obtain additional equipment when operators encrypt those channels. To protect those consumers, particularly those who are low-income, MMTC supported the equipment-related conditions that were included in the 2010 *Cablevision Waiver Order*,³ and

¹ See *Basic Service Tier Encryption Compatibility Between Cable Systems and Consumer Electronics Equipment*, 76 FCC Rcd 66666 (2011) (“*NPRM*”).

² See *id.* at 66666 ¶1.

³ See *Cablevision Systems Corporation’s Request for Waiver of Section 76.630(a) of the Commission’s Rules, Memorandum Opinion and Order*, MB Docket No. 09-168, DA 10-34 (rel. Jan. 8, 2010).

agrees with the Commission's proposal to include similar transitional measures with its proposed changes to the encryption rule.⁴

In particular, under the proposal in the NPRM, the Commission proposes that as a condition of encrypting the basic service tier, the cable operator offer existing low-income digital basic-only subscribers the additional equipment (set-top box or CableCARD) necessary for them to access the basic service tier. This would be available on up to two separate television sets without charge for five years from the date of encryption.⁵ As the Commission notes in the NPRM, the proposal seeks to "minimize any instances of incompatibility due to encryption of the basic service tier by implementing transitional measures for the limited universe of subscribers who currently access the unencrypted digital basic service tier without a set-top box."⁶

MMTC strongly supports this proposal and urges the Commission to include it in its final rules in this proceeding. MMTC was proud to have played a role in developing this consumer protection in the 2010 Cablevision waiver proceeding for New York City, and believes it should be extended nationwide as part of this rulemaking.

MMTC also believes that allowing cable operators to encrypt the digital basic service tier will result in significant benefits for consumers by simplifying the process for receiving digital service. Under the Commission's current rules, a cable operator must deliver basic services on an unencrypted basis (*i.e.*, in the clear). As a practical consequence of this requirement, a consumer must typically schedule a technician to come and hook up service in the customer's

⁴ See *NPRM* at 66669 ¶¶13, 14.

⁵ See *NPRM* at 66668- 66669 ¶¶12, 14.

⁶ *Id.* at 66668 ¶11.

home or apartment in order to subscribe to cable service. This can cause great inconvenience to consumers.

In contrast, if cable operators have the ability to encrypt the digital basic service tier, consumers will be able to start getting service through remote activation of digital service, thereby eliminating the need for a service call. The Commission reports that Cablevision is implementing this remote activation model in its New York City system. As a result of the waiver of the encryption prohibition it received in 2010, Cablevision has experienced a dramatic reduction in service calls. MMTC believes that, given the demonstrated pro-consumer benefits, this model should be extended nationwide to any cable system that goes all-digital.

In sum, MMTC believes that the Commission has taken a balanced approach in the NPRM. It has recognized the substantial consumer benefits that will result from the encryption of the digital basic service tier, while also proposing reasonable measures to ensure that the limited number of subscribers who may be impacted by the encryption of the digital basic tier are protected. MMTC commends the Commission for addressing the issue and urges that its proposals be adopted as quickly as possible.

Respectfully submitted,

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