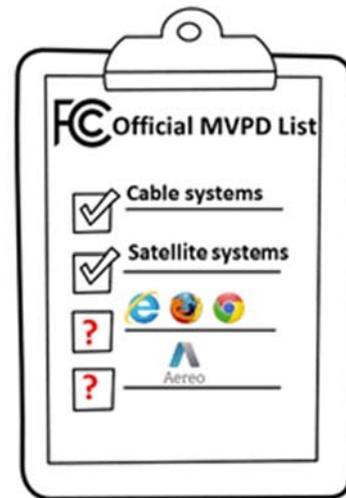


FCC NPRM: OTT = MVPD?

On December 19, the FCC released a Notice of Proposed Rulemaking (NPRM) proposing to update the definition of multichannel video programming distributor (MVPD). The Commission's MVPD rules have been applied to traditional cable and satellite systems and the NPRM proposes to extend the definition of MVPD to include entities providing certain types of video programming services delivered over the Internet.

The NPRM notes that a multiplicity of types of video services are available from Internet-based distributors, including (but not limited to) the following:

- **Subscription Linear.** Continuous, linear streams of video programming on a subscription basis. (Aereo's over-the-top (OTT) service prior to the Supreme Court decision is an example.)
- **Subscription On-Demand.** Video programming available to view on-demand on a subscription basis, allowing subscribers to select and watch television programs, movies, and/or other video content whenever they request to view the content without having to pay an additional fee beyond their recurring subscription fee. (Examples include Amazon Prime Instant Video, Hulu Plus, and Netflix.)
- **Transactional On-Demand.** Video programming available to view on-demand, with consumers charged on a per-episode, per-season, or per-movie basis to rent the content for a specific period of time or to download the content for storage on a hard drive for viewing at any time. (Examples include Amazon Instant Video, CinemaNow (Best Buy), Google Play, iTunes Store (Apple), Sony Entertainment Network, Vudu (Walmart), and Xbox Video (Microsoft).)
- **Ad-based Linear and On-Demand.** Video programming available to view linearly or on demand, with consumers able to select and watch television programs, movies, and/or other video content whenever they request on a free, ad-supported basis. (Examples include Crackle (Sony), FilmOn, Hulu, Yahoo! Screen, and YouTube.)
- **Transactional Linear.** Non-continuous linear programming that is offered on a transactional basis. (An example is Ultimate Fighting Championship's UFC.TV pay-per-view service.)



The NPRM proposes to consider entities that provide Subscription Linear video services as MVPDs. Specifically, the proposal is for the MVPD definition to include systems that make available for purchase, by subscribers or customers, multiple streams of video programming distributed at a pre-scheduled time, without regard to the means by which the programming is distributed.

Under the FCC Rules, MVPDs have specific privileges as well as being subject to specific legal obligations. The privileges include program access rules (preventing content owners from restricting MVPDs' access to programming) and retransmission consent rules (requiring broadcasters and MVPDs to negotiate in good faith for retransmission consent of broadcast signals). Obligations placed on MVPDs include rules for program carriage, closed captioning, video description, accessibility of emergency information, provision of accessible user interfaces, guides and menus, equal employment opportunities, retail availability of navigation devices, compliance with the CALM Act, and others.

Broadcasters have a significant interest in how MVPDs are defined. As opposed to the proposed MVPD definition including providers using Internet delivery, the FCC's interpretation of MVPD prior to the NPRM has required MVPDs to include a transmission path as a necessary element although this is not overtly stated in its Rules. The NPRM seeks comment on whether an alternative definition of MVPD should be enacted, which would require entities to make available transmission paths in addition to content. This alternative framework somewhat more intuitively embraces the concept of localism, and specifically local broadcast signals, since the program distributor has control over the transmission paths of their distribution system. The public Internet is inherently a global distribution methodology, with constrained distribution being possible although not easily, and vulnerability exists for indiscriminant distribution beyond constraints that may have been contemplated. The NPRM asks thought-provoking questions about retransmission consent for broadcast signals in this framework. Noting that some Internet-based distributors may provide service nationwide without offering local content, the NPRM asks for comment on how that fits with the good-faith negotiation requirements of MVPDs with local broadcasters? It also asks to what extent do existing network affiliation agreements limit or prohibit local network affiliate stations' ability to grant retransmission rights to Internet-based MVPDs, and whether limiting or prohibiting these provisions harms localism?

Comments and reply comments will be due 30 and 45 days respectively after publication in the Federal Register. A copy of the NPRM (MB Docket No. 14-261) can be downloaded [here](#).

NAB Seeking 2015 Technology Innovation Award Nominees



NAB is currently accepting nominations for the 2015 NAB Technology Innovation Awards. First presented at the 2009 NAB Show, NAB presents the award to organizations that bring advanced technology exhibits and demonstrations of significant merit to the NAB Show. The nominated exhibit should present advanced research and development projects in communications technologies that have not yet been commercialized.

Candidates for the Technology Innovation Awards must be organizations who are currently exhibiting at the NAB Show. The size of the organization is not a determining factor. Nominated projects may not be commercial products that have been offered for sale prior to or at the NAB Show. The merit of the technology exhibit is the sole factor to be taken into account. The entry deadline is February 20, 2015. The awards will be presented at the NAB Technology Luncheon on April 15, 2015 at the NAB Show in Las Vegas.

Here is a summary of the award winners from the past two NAB Shows:

2014 Award Recipient: Ericsson Television Ltd.

The 2014 NAB Technology Innovation Award went to Ericsson Television Ltd. for its demonstration of a live real-time contribution feed of 4K Ultra High Definition Television coming from Europe directly to the NAB Show exhibit floor. While we've seen beautiful 4K consumer television sets in retail showrooms, they will just be high tech furniture until enough 4K content is widely available. The Ericsson demonstration showed a clear path for broadcasters to overcome the first and most important hurdle — acquisition of high quality and truly immersive live 4K content. This demonstration showed the professional industry that it is possible to start building the ecosystem and a library of Ultra HD content now, as broadcasters consider rolling out commercial 4K services in the coming years.

2013 Award Recipient: Cisco Systems, Inc.

Cisco Systems received the 2013 NAB Technology Innovation Award for its Future of Video concept. Future of Video (formerly called Project Fresco) presents a future of television that breaks out of the "box in the corner of the room," showing how television will harness new display technology and an immersive layout engine to become unobtrusive, frameless, ultra-high definition and ambient. Future of Video demonstrates that television's future is both collective and personal, and exemplifies a new relationship between large screens and companion devices.

Additional information and a nomination form are available on NAB's [website](#). The deadline for nominations is February 20, 2015.

NAB Seeking Engineering Achievement Awards Nominees

NAB is currently accepting nominations for the 2015 NAB Engineering Achievement Awards. Established in 1959, the NAB Engineering Achievement Award is presented each year to an individual for outstanding accomplishments in the broadcast industry. In 1991, NAB began giving awards separately for achievements in radio and television. The award winners will be recognized at the Technology Luncheon at the 2015 NAB Show on April 15 in Las Vegas, Nev.

The nomination form is available on NAB's Engineering Achievement Award [website](#), and the deadline is **January 16, 2015**.

Important Dates and Upcoming Events

[2015 NAB Show](#)

April 11 - 16, 2015

Las Vegas, Nev.

[Audio Engineering Society \(AES\) 57th Conference: The Future of Audio Entertainment Technology](#)

March 6 - 8, 2015

Hollywood, Calif.

[Hollywood Post Alliance \(HPA\) Tech Retreat](#)

February 9 - 13, 2015

Indian Wells, Calif.