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July 15, 2016

By ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentations in Docket Nos. 16-42, 97-80

Dear Ms. Dortch:

On July 13, 2016, Matthew Clark, Principal, Business Development Digital Products, Amazon Lab126; Matthew Chaboud, Software Development, Amazon Lab126; Brian Huseman, Vice President, Public Policy, Amazon.com; Vann Bentley, Policy Counsel, Amazon.com, and the undersigned (collectively, the “Amazon representatives”) held separate meetings with Commissioner Jessica Rosenworcel and her advisors Marc Paul and Jennifer Thompson; Jessica Almond, Gigi Sohn, and Louisa Terrell with Chairman Wheeler, John Williams of the Office of General Counsel, and Scott Jordan, Chief Technologist; and with David Grossman, Chief of Staff and Media Legal Advisor to Commissioner Mignon Clyburn.

During the meeting, the parties discussed the pending Notice of Proposed Rulemaking and its goal of promoting consumer choice in how consumers search and navigate the content that they access from their multichannel video programming distributors (“MVPDs”) as well as from other content providers. The parties also discussed the recent submission from NCTA of an alternative method using an app-based approach. The Amazon representatives said that it was hard to comment specifically on the short submission since it lacked important details. However, some aspects of it warrant attention. The Amazon representatives stressed that hardware-based digital rights management (“DRM”) is the gold standard for content protection. A native application has no impact on the robustness of properly implemented hardware-based DRM with regards to content security. Thus, the NCTA submission does not in fact address the security concerns MVPDs have identified as one of the central reasons to oppose the proposals set forth in the NPRM. By contrast, the proposals identified in the NPRM can deliver content securely to streaming media players without the need for a native application.

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The Amazon representatives then explained that if the Commission decides to consider an app-based approach, the Commission should consider the following principles, which are consistent with the Commission's intent to encourage competition and consumer choice in the video programming space:

- 1) MVPDs should adhere to the standard practices and business terms of app distribution, including "in-app" transactions.
- 2) MVPD apps should provide the full MVPD linear channel lineup and corresponding VOD library to which the customer is entitled.
- 3) In order to foster innovation, any app-based approach should require that MVPDs provide access to the metadata required for universal search and electronic programming guide ("EPG") presentation.

Please direct any questions to the undersigned.

Sincerely,

/s/ Gerard J. Waldron
Gerard J. Waldron
Counsel to Amazon.com Inc.

cc: Commissioner Jessica Rosenworcel
Marc Paul
Jennifer Thompson
Jessica Almond
Louisa Terrell
Gigi Sohn
John Williams
Scott Jordan
David Grossman