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SCTE is pleased to submit the attached as a response to the Request for Information from the National Institute of Standards and Technology [Docket No. 0909100442-0563-02] on the Effectiveness of Federal Agency Participation in Standardization in Select Technology Sectors for National Science and Technology Council's Sub-Committee on Standardization.

We look forward to the future activities of the Subcommittee, and would be pleased to provide any additional information that they would find worthwhile.

A handwritten signature in black ink that reads "SPOksala" with a long horizontal flourish extending to the right.

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The Society of Cable Telecommunications Engineers (SCTE) is pleased to submit these comments in support of the effort to determine how the US Government can more effectively participate in the important standardization efforts underway today. *SCTE* is a non-profit professional association that provides technical leadership for the telecommunications industry and serves its members through professional development, standards, certification and information. SCTE is an ANSI-accredited standards development organization.

SCTE has had involvement with the US Government; some of our standards have been adopted into regulations by the Federal Communications Commission and by various state governments, primarily via indirect participation but occasionally by direct participation¹. There is ample evidence that the issues involved both standards developers and industries. SCTE would therefore like to offer its thoughts as to key points for the US Government to consider as it moves forward.

Regulations that reference standards need to be updated in a timely fashion. While in decades past, technologies and protocols for cable telecommunications equipment might not require updating for several years, current development cycles are often in the timeframe of 18 months. Agencies that adopt standards need to follow them closely enough to either move to new versions, or participate in a way that makes the transition easy. When the regulatory adoption is many versions behind, nobody benefits. Unfortunately, a number of SCTE standards have been adopted by the FCC, but the newer revisions of those standards have not been adopted.

Government can productively facilitate standardization in complex, cross-sector environments but there remain nonetheless areas where market forces should apply. There are certain problems where standards are necessary for a solution, but where the scope of the problem is such that no single industry segment – and therefore no single standards developing organization – can provide the needed standards. In these cases, it is appropriate – even desirable – for the US Government to provide a level of facilitation to make sure that the work gets done. However in considering the use of a facilitation effort, the US Government must remember that facilitation of cross-industry standards programs is a very complex process. It is

¹ Current direct participation by the US Government is from NTIA, a unit of the Department of Commerce, which is involved in standards that are approved both by SCTE and at the international level by ITU.

important that its use be limited to those problems that really need it; for many issues, simpler mechanisms that already exist will be more effective. Even when using those simpler mechanisms, it is necessary to determine that having a standard or standards in a particular area is, in fact, worthwhile. Sometimes it is better to let the market determine the solution rather than trying to work top down.

Involve all stakeholders. If a standardization effort is important enough to merit specific attention from the US Government, it is also likely to be important enough to affect many different stakeholder communities. It is essential therefore that when the US Government selects an organization for standardization, it picks one that has well-defined consensus processes that ensure that all interested parties have the opportunity to participate. Pre-determination by the US Government of the definition of stakeholder groups in order to streamline this process is almost certain to be unsatisfactory. As an example, there is common use of the term ICT (information and communications technology) to represent an industry – yet the organizations that participate in that space cover a wide variety of businesses and consequent standardization preferences. The so-called ICT industry includes telephone companies, cable companies, consumer electronics manufacturers, computer manufacturers, internet service providers, and application and service providers of all sorts. Needless to say it should be clear that defining an industry for possibly limiting participation or for establishing voting categories is a difficult if not impossible task.

Encourage transparency and fairness. When choosing organizations for US Government participation, preference should be given to organizations that meet certain criteria for fair and open processes. The Federal Circular OMB A-115 defines those requirements clearly, as do the Essential Requirements used by the American National Standards Institute (ANSI) are an excellent basis for this. This does not mean that the US Government should limit its choices to ANSI-accredited organizations; however it does mean that they should give preference to those organizations that meet those criteria.

US Government Agencies need to make sure that their participation is clear and coordinated. Agency participants may have significantly different roles and therefore significantly different objectives. Among these are policy makers, technology experts, and procurement managers. It is important in a standards setting that an agency's participants speak with a consistent voice.

It is also important that this voice be relevant to the technical issues at hand; in the past, there have been (particularly at the international level) policy and political impact on the technical work which does a disservice to the process.

Similarly it is very helpful where more than one agency is involved that the agencies have done some coordination. We recognize that each agency has its own responsibilities, and that there is therefore not always a single US Government position on specific technical standards.

Respect Intellectual Property Rights. Many standards organizations rely on the sale of their standards for survival. The US Government has done an excellent job over the years of supporting those organizations by reminding users of regulations that copyright remains with the standards developer; that support should continue. Given the trends in government outside the United States, the US Government should also resist the temptation to join the chorus of governments who advocate the elimination of intellectual property in standards. The US standards system has thrived with the current RAND system, and will continue to do so.

Provide appropriate financial support. The most important financial support that the US Government can provide is for all agencies to pay their share of the expenses for the standards organizations that they use as well as for the US standards system coordinated by ANSI. While there may be a case for more specific funding such as is used by the European Commission to support regulations, the decentralized US standards system would make this kind of program very difficult since the funding would of necessity pick winners and losers of not only standards organizations, but of the industries and sub-industries they represent.