

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Implementation of Section 304 of the	)	CS Docket No. 97-80
Telecommunications Act of 1996	)	
	)	
Commercial Availability of Navigation Devices	)	

**ORDER**

**Adopted: September 30, 2005**

**Released: October 3, 2005**

By the Deputy Chief, Media Bureau:

1. On March 17, 2005, the Commission issued a *Second Report and Order* in the above-captioned proceeding, maintaining the ban on cable operator deployment of integrated set-top boxes, but deferring the effective date of the ban by 12 months from July 2006 to July 2007.<sup>1</sup> In the *Second Report and Order*, the Commission also imposed several reporting requirements to ensure that progress continues to be made toward the statutory goals of Section 629 of the Communications Act of 1934, as amended.<sup>2</sup> On July 1, 2005, the Media Bureau issued a public notice announcing the deadlines for filing these reports.<sup>3</sup>

2. The *Public Notice* stated that by October 1, 2005 and every 60 days thereafter, the National Cable & Telecommunications Association (“NCTA”) and the Consumer Electronics Association (“CEA”) must file joint status reports with the Commission to provide updates regarding progress on the negotiation of a bidirectional “plug and play” agreement and a software-based security agreement.<sup>4</sup> On September 28, 2005, NCTA and CEA filed a joint motion for extension of time, requesting that the Commission extend the filing date for the first such report by 13 days to October 14, 2005.<sup>5</sup> According to the Joint Motion, NCTA and CEA are scheduled to meet shortly after the October 1, 2005 deadline. They

<sup>1</sup> *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 20 FCC Rcd 6794 (2005) (“*Second Report and Order*”).

<sup>2</sup> See 47 U.S.C. § 549.

<sup>3</sup> *Media Bureau Announces Deadlines for Filing Reports Related to the Commercial Availability of Navigation Devices*, DA 05-1930 (rel. Jul. 1, 2005) (“*Public Notice*”).

<sup>4</sup> In the *Second Report and Order*, subject to receipt of OMB approval, the Commission established August 1, 2005 as the deadline for filing initial status reports on the negotiation of an agreement on bidirectional digital cable compatibility and on the support and deployment of CableCARDs. *Second Report and Order*, ¶¶ 34, 39. At the time the *Public Notice* was released, the Commission did not anticipate receiving OMB approval prior to August 1, 2005. Accordingly, the *Public Notice* was intended to provide the parties adequate notice of this fact and of the new deadline of October 1, 2005.

<sup>5</sup> Joint Motion for Extension of Time to File Report to the Commission, CS Docket 97-80 (filed Sept. 28, 2005) (“*Joint Motion*”).

contend that it would be more efficient and useful to the Commission for them to file the status report shortly after, rather than shortly before, this joint meeting.

3. We are reluctant to further delay the filing of the first joint status report. We find, however, that there is good cause for a limited extension of time and that extending the deadline by 13 days is not likely to harm any interested parties or to adversely impact the progress of the negotiations. Indeed, extending the filing deadline until shortly after the next meeting between NCTA and CEA may provide the parties with additional incentive to reach agreement in their negotiations at such meeting. We therefore extend the deadline for the first joint report regarding progress on the negotiation of a bidirectional agreement to October 14, 2005.<sup>6</sup>

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i), 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 155(c), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46, the date by which the National Cable & Telecommunications Association and the Consumer Electronics Association must file a joint status report with the Commission to provide an update regarding progress on the negotiation of a bidirectional agreement and a software-based security agreement is extended until October 14, 2005.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson  
Deputy Chief, Media Bureau

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<sup>6</sup> The next report regarding progress on the bidirectional negotiations will be due 60 days from October 1, 2005, *i.e.*, November 30, 2005. The deadline for the six largest cable operators (Comcast, Time Warner, Cox, Charter, Adelphia, and Cablevision) to file initial status reports regarding CableCARD deployment and support and progress on the development, and a timetable for deployment, of the multi-stream CableCARD, remains October 1, 2005, as stated in the *Public Notice*. Subsequent reports will be due at 90-day intervals. Consistent with the *Public Notice*, we maintain the December 1, 2005 deadline for the cable industry report to the Commission on the feasibility of implementing software-based conditional access in navigation devices. *Public Notice* at 2.