

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

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

ORDER

Adopted: December 23, 2005

Released: December 23, 2005

Comment Date: January 20, 2006

Reply Comment Date: February 6, 2006

By the Chief, Media Bureau:

1. On March 17, 2005, the Commission released its *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. Among these reporting requirements was a requirement that by December 1, 2005, the cable industry report to the Commission on the feasibility of implementing software-based conditional access in navigation devices.<sup>2</sup>

2. The cable industry filed the required report on November 30, 2005.<sup>3</sup> The *Second Report and Order* stated that the public would have thirty days to comment following submission of the Report.<sup>4</sup> Accordingly, on December 20, 2005, the Media Bureau released a *Public Notice* announcing that comments on the report were due December 30, 2005.<sup>5</sup> The *Public Notice* also established a reply comment deadline of January 17, 2006.<sup>6</sup>

<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> *Id.* at 6810, 6816.

<sup>3</sup> Letter from Daniel L. Brenner and Neal M. Goldberg, NCTA, to Marlene H. Dortch, Secretary, FCC (Nov. 30, 2005) (“*Report*”).

<sup>4</sup> *Second Report and Order*, 20 FCC Rcd at 6810-11.

<sup>5</sup> *Media Bureau Announces Dates for Filing Comments and Reply Comments on Cable Industry Report on Downloadable Security*, DA 05-3237 (MB rel. Dec. 20, 2005).

<sup>6</sup> *Id.*

3. On December 22, 2005, Hewlett Packard, Intel Corporation, and ATI Technologies (collectively, the “Companies”) filed a motion seeking an extension of time to file comments in response to the Report.<sup>7</sup> The Companies state that more time is needed because requiring comments to be filed on December 30, 2005 would not allow commenters sufficient time to respond adequately to the complex technical issues raised in the Report. Specifically, the Companies state that information technology (“IT”) companies traditionally are closed during the year-end holidays and that most parties with an interest in this proceeding currently are preparing for the Consumer Electronics Association’s annual Consumer Electronics Show (“CES”) held during the first week of January. In addition, the Companies state that they and other computer and IT companies will be participating in copy control and content protection meetings during the week following CES. According to the Companies, an extension of the comment deadline until January 20, 2006 is necessary because many parties interested in responding to the Report will be unable to prepare comments through the first two weeks of January.

4. We find that there is good cause for a limited extension of time to file comments and reply comments on the Report. Given the year-end holidays, CES, and the post-CES copy control and content protection meetings, it appears that it would be difficult for many interested parties, including the Companies, to meet the existing comment deadline. We therefore grant the Companies’ request and extend the comment and reply comment deadlines in this proceeding to January 20, 2006 and February 6, 2006, respectively.

5. 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 for filing comments in CS Docket No. 97-80 is extended until January 20, 2006, and the date for filing reply comments is extended to February 6, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Donna C. Gregg  
Chief, Media Bureau

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<sup>7</sup> Hewlett Packard, *et al.* Motion for Extension of Time (filed Dec. 22, 2005).