



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12th St., S.W.**  
**Washington, D.C. 20554**

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**DA 06-2257**

**Released: October 31, 2006**

## **MEDIA BUREAU ACTION**

### **REQUEST FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1) FILED WITH THE COMMISSION**

**CSR-7056-Z/CS Docket No. 97-80**

**Comment Date: November 30, 2006**

**Reply Comment Date: December 11, 2006**

The National Cable and Telecommunications Association (“NCTA” or “Petitioner”) has filed a request pursuant to Section 629(c) of the Communications Act of 1934, as amended (the “Communications Act”),<sup>1</sup> and Sections 1.3 and 76.7 of the Commission’s rules,<sup>2</sup> for temporary waiver of the prohibition set forth in Section 76.1204(a)(1) of the Commission’s rules on offering navigation devices that perform both conditional access and other functions.<sup>3</sup> Specifically, NCTA requests that the Commission waive the prohibition for all cable operators until those cable operators deploy downloadable security or until December 31, 2009, whichever is earlier.<sup>4</sup> NCTA contends that implementation of the rule would result in an expensive interim solution that would lead to higher prices for consumers without providing any benefit.<sup>5</sup> NCTA also asserts that waiver of the rule would assist the development and deployment of new and improved video, voice, and broadband data services.<sup>6</sup> In addition, NCTA urges the Commission to waive the rule in order to achieve regulatory parity between cable operators and other multichannel video programming distributors, such as direct broadcast satellite providers.<sup>7</sup> Finally, NCTA argues that waiver would not adversely impact the retail market for digital cable-ready devices.<sup>8</sup> We seek comment on NCTA’s request.

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<sup>1</sup> 47 U.S.C. § 549(c).

<sup>2</sup> 47 C.F.R. §§ 1.3, 76.7.

<sup>3</sup> See National Cable and Telecommunications Association’s Request for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed Aug. 16, 2006) (“Waiver Request”).

<sup>4</sup> *Id.* at 1.

<sup>5</sup> *Id.* at 7-13.

<sup>6</sup> *Id.* at 13-24.

<sup>7</sup> *Id.* at 24-33.

<sup>8</sup> *Id.* at 33-37.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules.<sup>9</sup> As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.<sup>10</sup>

Comments and oppositions are due November 30, 2006. All filings should refer to the case identifier, CSR 7056-Z, and CS Docket No. 97-80 and must be submitted in CS Docket No. 97-80. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments and oppositions filed must indicate that they have been served on Petitioner. All comments and oppositions must be served on counsel for Petitioner:

Daniel L. Brenner  
Neal M. Goldberg  
Counsel for the National Cable and Telecommunications Association  
1724 Massachusetts Avenue, NW  
Washington, DC 20036-1903

Petitioner’s reply is due December 11, 2006.

Comments may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.<sup>11</sup>

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: CS Docket No. 97-80. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message: “get form”. A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent

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<sup>9</sup> See 47 C.F.R. §§ 1.1200-1.1216.

<sup>10</sup> 47 C.F.R. § 1.1206.

<sup>11</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (April 6, 1998).

to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, D.C. 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-C841, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov).

Copies of the Waiver Request and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
(202) 418-7092

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For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to Rebecca Fisher of the Media Bureau, (202) 418-2359. TTY: (202) 418-7172 or (888) 835-5322.

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