



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 07-872

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MEDIA BUREAU ACTION

LIBERTY CABLEVISION FILES REQUEST FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1) WITH THE COMMISSION

CSR-7124-Z/CS Docket No. 97-80

Comment Date: March 19, 2007

Reply Comment Date: March 29, 2007

Liberty Cablevision of Puerto Rico, Ltd. (“Liberty” or “Petitioner”) has filed a request pursuant to Section 706 of the Telecommunications Act of 1996,¹ and Sections 76.7 and 76.1207 of the Commission’s rules² for 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 with respect to the Motorola DCT-700 set-top box (the “DCT-700”).³ Liberty asserts that its Waiver Request is limited to the relief previously granted to BendBroadband.⁴ Liberty explains that it has already migrated to all-digital systems, and claims that the continued availability of the DCT-700 is essential to the viability of its network.⁵ Liberty claims that waiver of the prohibition for the DCT-700 would serve the public interest by providing its low-income subscribers a low-cost option for continued access to Liberty’s network and digital programming.⁶ Liberty asserts that fairness dictates that the Waiver Request must be granted because denial would amount to punishment for Liberty’s early transition to all-digital networks.⁷ Finally, Liberty argues that grant of the Waiver Request would not undermine the Commission’s objective of a competitive market for navigation devices because the market for such devices in Puerto

¹ § 706(a) of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996), reproduced in the notes under 47 U.S.C. § 157.

² 47 C.F.R. §§ 76.7, 76.1207.

³ See Liberty Cablevision of Puerto Rico, Ltd. Request for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed Feb. 14, 2007) (“Waiver Request”).

⁴ See *Bend Cable Communications, LLC d/b/a BendBroadband Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, CSR-7057-Z, Memorandum Opinion and Order, DA 07-47 (MB rel. Jan 10, 2007).

⁵ Waiver Request at 1-2.

⁶ *Id.* at 5-6.

⁷ *Id.* at 6.

Rico is significantly different from the market in the rest of the United States.⁸ We seek comment on Liberty's request.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. 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.⁹

Comments and oppositions are due **March 19, 2007**. All filings should refer to the case identifier, **CSR-7124-Z**, and, in addition, to facilitate access to the pleadings filed pursuant to this *Public Notice*, all comments, oppositions, reply comments, and *ex parte* memoranda should refer to 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:

John Conrad
In-house Counsel
Liberty Cablevision of Puerto Rico, Ltd.
Road 992, km 0.2
P.O. Box 719
Luquillo, PR 00773

Petitioner's reply is due **March 29, 2007**.

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.¹⁰

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, 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.

⁸ *Id.* at 7-10. Liberty asserts that the median income in Puerto Rico is only \$13,000 per year, and that very few CableCARD-ready devices are available for sale in Puerto Rico. *Id.*

⁹ 47 C.F.R. § 1.1206.

¹⁰ 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).

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 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 12th Street, SW, Washington, D.C. 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A737, 445 12th Street, S.W., Washington, D.C. 20554 or 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 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7092

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to Clyde Ensslin of the Office of Media Relations, (202) 418-0506. TTY: (202) 418-7172 or (888) 835-5322.

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