



PUBLIC NOTICE

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

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 08-1694
Released: July 18, 2008

MEDIA BUREAU ANNOUNCES NEW FILING PROCEDURES FOR EVOLUTION BROADBAND, LLC'S REQUEST FOR WAIVER OF SECTION 76.1204(a)(1) OF THE COMMISSION'S RULES

CS Docket No. 97-80, CSR-7902-Z

In this Public Notice, the Media Bureau announces that the record for Evolution Broadband LLC's request for waiver of Section 76.1204(a)(1) of the Commission's rules¹ will be added to CS Docket No. 97-80. The Consumer Electronics Association ("CEA") has expressed concern that monitoring documents in the Commission's reference information center presents a hardship in this case of national importance.² CEA argues that Evolution Broadband LLC's request for waiver involves wide-ranging issues that will have a significant impact on the implementation of Section 629 of the Communications Act,³ and we agree that it is unlike the overwhelming majority of requests for waiver of Section 76.1204(a)(1) of the Commission's rules. Given that this waiver request has generated a record that is unusually large for a request for waiver of Section 76.1204(a)(1) of the Commission's rules,⁴ we conclude that placing Evolution Broadband LLC's request in CS Docket No. 97-80 and allowing parties to file via the Commission's Electronic Comment Filing System ("ECFS") will allow for a record that is more accessible for all parties involved. Accordingly, we issue this Public Notice to announce that we will require parties to file *ex parte* disclosures in CS Docket No. 97-80 and to announce that the Commission will place the above captioned waiver request and the record it has generated to date in CS Docket No. 97-80 as well.

Ex Parte Rules. This proceeding is treated as a "permit-but-disclose" proceeding subject to the "permit-but-disclose" requirements under section 1.1206(b) of the Commission's rules.⁵ *Ex parte* presentations are permissible if disclosed in accordance with Commission rules. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required.⁶

¹ Evolution Broadband Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed May 12, 2008).

² See Letter from Robert S. Schwartz, Counsel, Consumer Electronics Association, to Marlene H. Dortch, Secretary, Federal Communications Commission at 2 (July 1, 2008).

³ *Id.*

⁴ The Bureau has received comments from six parties: the American Cable Association; Baja Broadband; Cable One, Inc.; the Consumer Electronics Association, TVMAX Houston, LP; and the Frankfort Plant Board.

⁵ See 47 C.F.R. § 1.1206(b); see also 47 C.F.R. §§ 1.1202, 1.1203.

⁶ See 47 C.F.R. § 1.1206(b)(2).

Additional rules pertaining to oral and written presentations are set forth in section 1.1206(b). **All filings must be submitted in CS Docket No. 97-80 and reference CSR-7902-Z.** Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. *Ex parte* filings may be filed using: (1) ECFS, (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁷

- 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.
 - 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.
- People with Disabilities: To request materials in accessible formats for persons with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or contact the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).
- Copies of any 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

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd 11322, 11326, ¶ 8 (1998).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-2120. Press inquiries should be directed to Clyde Ensslin, (202) 418-0506. TTY: (202) 418-0432 or (888) 835-5322.