

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

In the Matter of)	
)	
Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules ¹)	
)	
Implementation of Section 304 of the Telecommunications Act of 1996)	CS Docket No. 97-80
)	
Commercial Availability of Navigation Devices)	
)	

MEMORANDUM OPINION AND ORDER

Adopted: March 19, 2008

Released: March 19, 2008

By the Chief, Media Bureau:

I. INTRODUCTION

1. The above-captioned multichannel video programming distributors ("Petitioners") have filed with the Chief of the Media Bureau requests for waiver (the "Waiver Requests") of the ban on integrated set-top boxes set forth in Section 76.1204(a)(1) of the Commission's rules.² The Petitioners have indicated that they operate all-digital systems or will transition to all-digital systems by February 17, 2009.³ Pursuant to the *All-Digital Order* precedent,⁴ we grant the requests for waiver of Section

¹ The name of each petitioner and the CSR number assigned to each petition are set forth in the attached Appendix.

² 47 C.F.R. § 76.1204(a)(1). The separation of the security element from the host device required by this rule is referred to as the "integration ban."

³ See Northeast Oklahoma IPTV Providers Waiver Request at 6-8 (filed June 18, 2007); IPTV Operators Group #2 Waiver Request at 4-5 (filed June 19, 2007); Home Town Cable Waiver Request at 7-10 (filed June 23, 2007); Premier Communications Waiver Request at 7 (filed June 26, 2007); RC Technologies Waiver Request at 1 (filed June 29, 2007); Gardonville Waiver Request at 2 (filed June 29, 2007); New Hope Waiver Request at 1-2 (filed Jan. 22, 2008); Pembroke Advanced Communications Waiver Request at 7 (filed July 2, 2007); GTA Services and Wilkes Communications Waiver Request at 4-5 (filed August 22, 2007); Celect Communications Waiver Request at 6-8 (filed January 7, 2008); TVMAX Waiver Request at 1-2 (filed January 8, 2008).

⁴ See *Consolidated Requests For Waiver Of Section 76.1204(a)(1) of the Commission's Rules*, 22 FCC Rcd 11780, 11802-04, ¶¶ 58-62 (2007) ("*All-DigitalOrder*"). While we do not decide in this order whether IPTV providers are in compliance with Section 76.1204(a)(1) as they claim, consistent with our precedent, we grant them waiver of that provision, which will afford them relief similar to what they seek. *Id.* It is our understanding that set-top box manufacturers have not developed any nonintegrated high definition or digital video recording devices for use with Internet Protocol ("IP"), Asynchronous Transfer Mode ("ATM") or hybrid QAM/IP systems. To the extent that this understanding is correct, we will allow operators to deploy HD and DVR devices with integrated security elements for use on such systems until July 1, 2008. Those operators should work to develop and deploy a separable security solution that will allow for interoperability between their systems and consumer electronics equipment, preferably a downloadable solution based on open standards. *All-DigitalOrder*, 22 FCC Rcd 11804, ¶ 61.

76.1204(a)(1) of the Commission's rules. To the extent that the Petitioners have not yet transitioned to all-digital networks, this relief is conditional. As a condition of waiver, any Petitioner who has not yet completed its transition to an all-digital network must: (1) file with the Media Bureau a sworn declaration within 10 days of the release of this order in which it commits to move to an all-digital network on or before February 17, 2009; (2) notify all of its analog customers of its plans to transition to all-digital systems within 60 days of the release of this order, and again six months before completing its transition, and each time submit sworn declarations to the Commission confirming that such notice has been provided; (3) within 60 days of the release of this order, ensure that it has in its inventory or has placed orders for enough set-top boxes to ensure that each of its customers can continue to view its video programming on their television sets after the transition and submit a sworn declaration to the Commission confirming that this is the case, and (4) publicly commit to this plan by sworn declaration. As we explained in the *BendBroadband Order*, such a declaration will "demonstrate [a] commitment to move to an all-digital network."⁵

2. Accordingly, **IT IS ORDERED** that, pursuant to Sections 1.3 and 76.7 of the Commission's rules, 47 C.F.R. §§ 1.3, 76.7, a conditional waiver of Section 76.1204(a)(1) of the Commission's rules, 47 C.F.R. § 76.1204(a)(1), **IS GRANTED** to the Petitioners listed in the Appendix conditioned as set forth in this Order.

3. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules, 47 C.F.R. § 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

⁵ See *Bend Cable Communications, LLC d/b/a BendBroadband Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, 22 FCC Rcd 209, 216, ¶ 21 (2007) ("*BendBroadband Order*").

APPENDIX

Allendale Communications	CSR-7443-Z
Celect Communications, LLC	CSR-7744-Z
Cimarron Telephone Company	CSR-7407-Z
Cim-Tel Cable	CSR-7297-Z
Clay County Telephone Cooperative Inc. dba Endeavor Communications	CSR-7444-Z
Cross Telephone Company	CSR-7409-Z
Cross Cable LLC	CSR-7410-Z
Crystal Communications dba Hickory Tech	CSR-7445-Z
CTC Telcom	CSR-7446-Z
Drenthe Telephone & Communications	CSR-7447-Z
Gardonville Cooperative Telephone Association	CSR-7359-Z
GTA Services, LLC	CSR-7551-Z
Home Town Cable TV, LLC	CSR-7355-Z
Mulberry Cooperative Telephone Co., Inc.	CSR-7448-Z
New Hope Telephone Cooperative, Inc.	CSR-7771-Z
Pembroke Advanced Communications Inc.	CSR-7442-Z
Plant Telenet, Inc.	CSR-7449-Z
Pottawatomie Telephone Company	CSR-7408-Z
Premier Communications, Inc.	CSR-7349-Z
RC Technologies Corporation	CSR-7358-Z
SEE-TV, LLC	CSR-7451-Z
Sunman Telecommunications Coop Inc., dba Enhanced Telecommunications Coop	CSR-7452-Z
TVMAX Houston, LP	CSR-7743-Z

Westphalia Broadband, Inc.

CSR-7450-Z

Wilkes Communications, Inc.

CSR-7552-Z