

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

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|---|---|---------------------|
| In the Matter of |) | |
| |) | |
| Innovative Cable TV, St. Thomas-St. John & St. Croix |) | CSR-7224-Z |
| |) | |
| Massillon Cable TV |) | CSR-7229-Z |
| |) | |
| |) | |
| 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:

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.¹ The Petitioners have indicated that they will transition to all-digital systems by February 17, 2009.² Pursuant to the *BendBroadband Order* precedent,³ we grant the Waiver Requests subject to the following conditions: (1) the operator must 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) the operator must 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, the operator must 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) the operator must publicly commit to this plan by

¹ 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.”

² See Innovative Amendment to Waiver Request, CSR-7224-Z (filed Aug. 3, 2007); Massillon Amended Waiver Request at 1 (filed Jan. 28, 2008).

³ 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 (2007) (“*BendBroadband Order*”).

sworn declaration. As we explained in the *BendBroadband Order*, such a declaration will “demonstrate [a] commitment to move to an all-digital network.”⁴

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 Innovative Cable TV, St. Thomas-St. John & St. Croix and Massillon Cable TV, 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

⁴ See *BendBroadband Order*, 22 FCC Rcd at 216, ¶ 21.