

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

In the Matter of)
)
The Electric and Water Plant Board of the City of) CSR-8120-Z
Frankfort, Kentucky's)
)
Request for Waiver of Section 76.1204(a)(1))
of the Commission's Rules)

MEMORANDUM OPINION AND ORDER

Adopted: June 10, 2009

Released: June 10, 2009

By the Acting Chief, Media Bureau:

1. This order dismisses the Request for Waiver submitted by the Electric and Water Plant Board of the City of Frankfort, Kentucky ("Frankfort Plant Board") requesting waiver of Section 76.1204(a)(1) of the Commission's rules,¹ which prohibits placing into service new set-top boxes with integrated security. The Frankfort Plant Board sought this waiver to allow it to deploy the Evolution Broadband DMS 1002-CA.²

2. On June 1, 2009, the Commission released an order granting waiver of Section 76.1204(a)(1) with respect to Evolution Broadband's DMS 1002 and DMS 1002-CA.³ The Commission stated that "the Evolution box can be deployed on any system without need for a further waiver of Section 76.1204(a)(1)."⁴ Therefore, the Frankfort Plant Board may deploy the Evolution Broadband DMS 1002 and DMS 1002-CA without further waiver and its request is now moot.

3. Accordingly, **IT IS ORDERED** that the Request for Waiver of Section 47 C.F.R. §76.1204(a)(1) of the Commission's rules filed by the Electric and Water Plant Board of the City of Frankfort, Kentucky **IS DISMISSED AS MOOT**.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. Ratcliffe
Acting Chief, Media Bureau

¹ 47 C.F.R. § 76.1204(a)(1).

² See Waiver Request at 1.

³ *Evolution Broadband, LLC's Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules Implementation of Section 304 of the Telecommunications Act of 1996 Commercial Availability of Navigation Devices*, FCC 09-46 (June 1, 2009).

⁴ *Id.* at ¶ 15.