



# PUBLIC NOTICE

Federal Communications Commission  
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DA 09-577

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## MEDIA BUREAU ACTION

### MEDIA BUREAU SEEKS COMMENT ON MASSILLON CABLE TV'S REQUEST FOR EXTENSION OF TIME TO COMPLY WITH CONDITIONS OF WAIVER OF 47 C.F.R. § 76.1204(a)(1)

CSR-7229-Z/CS Docket No. 97-80

**Comment Date: April 1, 2009**

**Reply Comment Date: April 13, 2009**

On March 19, 2008, the Media Bureau granted a request by Massillon Cable TV ("Massillon") for a 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.<sup>1</sup> Pursuant to the Bureau's Order, Massillon was required to transition its cable systems to all-digital operation on or before February 17, 2009, ensure that it had sufficient inventory of set-top boxes to make that transition, notify its subscribers of the impending cable system transition, and submit sworn declarations committing to these conditions.<sup>2</sup> Massillon has filed a request for an extension of time to transition its cable systems to all-digital as conditioned in the *Massillon Order*.<sup>3</sup> Specifically, Massillon requests that the Commission grant Massillon an extension until July 31, 2009 to complete its transition to an all-digital cable system.<sup>4</sup> We seek comment on Massillon'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.<sup>5</sup>

<sup>1</sup> *Innovative Cable TV, St. Thomas-St. John & St. Croix and Massillon Cable TV*, 23 FCC Rcd 4469 (2008) ("*Massillon Order*").

<sup>2</sup> *Id.* at 4496, ¶ 1; Letter from Mark Palchick, Counsel to Massillon Cable TV, to Marlene H. Dortch, Secretary, Federal Communications Commission, CS Docket No. 97-80, at Attachment (March 27, 2008).

<sup>3</sup> See Massillon Cable TV's Request for Extension of Time to Transition to All-Digital Cable System (filed Feb. 17, 2009) ("*Extension Request*").

<sup>4</sup> *Extension Request* at 2-3.

<sup>5</sup> 47 C.F.R. § 1.1206.

Comments and oppositions are due April 1, 2009. All filings should refer to the case identifier, CSR-7229-Z, and 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:

Peter Guttman & Mark Palchick  
Womble Carlyle Sandridge & Rice, PLLC  
1401 I Street NW  
Seventh Floor  
Washington, DC 20005

Massillon's reply is due April 13, 2009.

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.<sup>6</sup>

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](mailto: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 12<sup>th</sup> Street, SW, Washington, D.C. 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A737, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov).

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<sup>6</sup> 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).

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 12<sup>th</sup> Street, S.W.  
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(202) 418-0270

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For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to David Fiske, (202) 418-0513. TTY: (202) 418-7172 or (888) 835-5322.

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