



PUBLIC NOTICE

Federal Communications Commission
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DA 10-218

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MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON TIVO'S REQUEST FOR WAIVER OF THE IEEE-1394 OUTPUT REQUIREMENT

CS Docket No. 97-80 / CSR-8252-Z

Comment Date: February 22, 2010

Reply Comment Date: March 4, 2010

TiVo Inc. ("TiVo") has filed a request pursuant to Sections 1.3, 76.7, and 76.1207 of the Commission's rules¹ for waiver of part of Section 76.640(b)(4) of the Commission's rules.² Section 76.640(b)(4) requires cable operators to include a DVI or HDMI interface and an IEEE 1394 interface on all high definition set-top boxes ("STBs") that they acquire for distribution to customers. TiVo seeks waiver of this rule with respect to the IEEE 1394 interface requirement on behalf of cable operators who wish to deploy the TiVo high definition digital video recorders ("HD DVR") models sold at retail.

TiVo states that, at the time the regulation was adopted, the IEEE 1394 interface was the only digital video interface available for consumer devices that supported recording devices and networking.³ TiVo asserts that since the time the regulation was adopted, the cable industry has moved away from the IEEE 1394 connection to widely deployed Internet protocol ("IP") technologies.⁴ TiVo argues that the IEEE 1394 interface requirement was implemented to ensure leased devices would interoperate with consumer-purchased equipment.⁵ Consequently, TiVo argues that its HD DVR already meets this core objective by including home networking compatibility with products its consumers use most, IP-enabled devices.⁶

¹ 47 C.F.R. §§ 1.3, 76.7, 76.1207.

² 47 C.F.R. § 76.630(b)(4).

³ Waiver Request at 3.

⁴ *Id.* at 3.

⁵ *Id.* at 7.

⁶ *Id.* at 8.

TiVo argues that a waiver will advance choice and competition in cable navigation devices.⁷ TiVo explains that its value to cable operators is through offering a popular retail product for use as a leased set-top box with no hardware modification, available at a lower cost.⁸ TiVo argues without a waiver, the cost of adding an IEEE 1394 port would make the TiVo HD DVR less cost-competitive against the HD DVRs that cable operators currently lease and thus reduce competition.⁹ Further, TiVo argues that adding the IEEE 1394 port would delay the introduction of competition into the cable set-top market with no resulting benefit to the cable operator or consumers.¹⁰

TiVo explains that its requested waiver is justified because cable operators can continue to deploy devices to subscribers who request a set-top box with an IEEE 1394 interface.¹¹ Consequently, TiVo argues a waiver of the IEEE 1394 interface requirement would cause no harm to other interested parties.¹²

We seek comment on TiVo's request.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules.¹³ 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.¹⁴

Comments and oppositions are due **February 22, 2010**. Petitioner's reply is due **March 4, 2010**. All filings must be submitted in CS Docket No. 97-80 and CSR-8252-Z. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Interested parties will have access to comments online through the Commission's Electronic Comment Filing System (ECFS), and therefore we waive the requirements of Sections 76.7(b)(1) and 76.7(c)(1) that comments and oppositions be served on interested parties.¹⁵

Comments may be filed using: (1) (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.¹⁶

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

⁷ *Id.* at 5.

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 9.

¹² *Id.*

¹³ See 47 C.F.R. §§ 1.1200-1.1216.

¹⁴ 47 C.F.R. § 1.1206.

¹⁵ 47 C.F.R. §§ 76.7(b)(1), 76.7(c)(1).

¹⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322, 11326, para. 8 (April 6, 1998).

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.

Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.

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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A737, 445 12th Street, S.W., Washington, D.C. 20554 or Brendan.Murray@fcc.gov.

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 12th Street, S.W.
Washington, D.C. 20554
(202) 418-0270

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-2120. Press inquiries should be directed to Janice Wise, (202) 418-8165 or Janice.Wise@fcc.gov. TTY: (202) 418-7172 or (888) 835-5322.

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