



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON TIVO INC.'S PETITION FOR WAIVER OF CERTAIN "CABLE READY" REQUIREMENTS

MB Docket No. 11-105

Comment Date: July 25, 2011

Reply Comment Date: August 9, 2011

TiVo Inc. ("TiVo") has filed a petition requesting that the Commission waive certain "Cable Ready" certification, marketing, and labeling rules as they pertain to TiVo's new video recording product, the Premiere Elite.¹ The Premiere Elite is a CableCARD-enabled digital video recorder, designed specifically for use with all-digital cable systems.² TiVo seeks waiver of three of the Commission's rules with respect to the Premiere Elite: (1) Section 15.118(b), which requires cable-ready consumer electronics equipment to be capable of receiving analog NTSC channels 1 through 125,³ (2) Section 15.123(b)(1), which requires all unidirectional digital cable products to be capable of tuning NTSC channels transmitted in the clear, and (3) Section 15.123(c), which outlines tests and standards that unidirectional digital cable products must satisfy before going to market.⁴

Section 15.118(b)'s requirement that cable-ready devices be capable of tuning NTSC channels was adopted in 1994,⁵ and the digital cable ready rules for certification, marketing and labeling were adopted in 2003 to create a uniform standard for labeling and testing devices capable of receiving cable service without a set-top box.⁶ TiVo claims that these requirements as applied to the Premier Elite hinder innovation, increase costs to customers and serve as an unnecessary barrier to the market for all-digital

¹ TiVo Petition at 1.

² TiVo Petition at 2.

³ NTSC, the National Television System Committee broadcasting standard, is the analog television system used by analog cable systems and certain low-power, Class A, and translator over-the-air stations.

⁴ See 47 C.F.R. §§ 15.118(b), 15.123(b)(1), and 15.123(c).

⁵ *Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992: Compatibility Between Cable Systems and Consumer Electronics Equipment*, 9 FCC Rcd 1981, 1995-1997, ¶¶ 78-90 (1994).

⁶ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 18 FCC Rcd 20885, 20900-20903, ¶¶ 34, 38-39 (2003).

video recording devices.⁷ We seek comment on TiVo's request for waiver of Sections 15.118(b), 15.123(b)(1) and 15.123(c) with respect to its Premiere Elite product.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See 47 C.F.R. § 1.1200, 1.1206. 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.⁸

Interested parties may file comments on or before **July 25, 2011** and reply comments on or before **August 9, 2011**. All filings must reference **MB Docket No. 11-105**. Comments sent via email to the Commission will be considered informal and will not be part of the official record. 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.⁹

- **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: **MB Docket No. 11-105**. 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, 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.
 - 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. 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 12th Street, S.W., Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filing to Brendan Murray, Media Bureau, Room 4-A737, 445 12th Street, S.W., Washington, D.C. 20554 or brendan.murray@fcc.gov. Parties must also serve one copy with the

⁷ TiVo Petition at 3.

⁸ 47 C.F.R. § 1.1206.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322, 11326, ¶ 8 (1998).

Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in **MB Docket No. 11-105** are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th St., S.W., Room CYA257, Washington, DC 20554, telephone (202) 418-0270. They may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., telephone (202) 488-5300, facsimile (202) 488-5563, or via email at fcc@bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Brendan Murray, (202) 418-1573. Press inquiries should be directed to Janice Wise, (202) 418-8165.

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Approved for publication in the Daily Digest:

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