



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 11-1936

Released: November 22, 2011

MEDIA BUREAU ACTION

ADAMS CABLE EQUIPMENT INC. FILES REQUEST FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1) WITH THE COMMISSION

CSR-8537-Z/CS Docket No. 97-80

Comment Date: December 22, 2011

Reply Comment Date: January 6, 2012

Adams Cable Equipment Inc. (“ACE”) has filed a request for waiver of the prohibition set forth in Section 76.1204(a)(1) of the Commission’s rules on offering integrated-security navigation devices with respect to refurbished set-top boxes.¹ ACE requests waiver on behalf of any cable operator that commits to (i) notify its subscribers that ACE will sell refurbished set-top boxes directly to them, (ii) support set-top boxes that subscribers purchase from ACE, and (iii) continue to support CableCARD devices.² ACE asserts that because cable operators will commit to support devices that ACE sells directly to subscribers, waiver would further the purposes of Section 629 by giving “consumers the ability to purchase a retail set-top box for as little as \$49, with no CableCARD installation and no service fees.”³ According to ACE, waiver will not materially affect common reliance, as the number of CableCARD-compatible set-top boxes that cable operators deploy ever year exceeds the number of refurbished integrated set-top boxes that ACE could deploy by a large margin.⁴ ACE contends that waiver is consistent with past Commission policy, as the Commission does not favor “forcing [refurbished devices] into premature obsolescence.”⁵ We seek comment on ACE’s request.

¹ See Adams Cable Equipment Inc. Request for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed Oct. 25, 2011) (“Waiver Request”).

² *Id.* at 2-3 (citing *Baja Broadband Operating Company, LLC’s Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, 25 FCC Rcd 2200, 2205-6, ¶ 13 (2010)).

³ Waiver Request at 2.

⁴ *Id.* at 3.

⁵ *Id.* at 5 (citing *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 15 FCC Rcd 17442, 17453-4, n.62 (2000); *Access to Telecommunications Equipment and Services by the Hearing Impaired and other Disabled Persons*, 4 FCC Rcd 4596 (1989); *Amendment of Section 64.702 of the Commission’s Rules and Regulations*, 88 FCC 2d 512, 525-526, ¶ 40 (1981)). See also *Id.* at 3 (quoting *Commercial Availability of Navigation Devices*, 14 FCC Rcd 7596, 7612, ¶ 35 (1999)).

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comments and oppositions are due **December 22, 2011**. All filings should refer to the case identifier, **CSR-8537-Z**, and, in addition, to facilitate access to the pleadings filed pursuant to this *Public Notice*, all comments, oppositions, reply comments, and *ex parte* memoranda should refer to 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 the Petitioner:

Christy Adams
Chief Executive Officer
Adams Cable Equipment
15560 West 100th Terrace
Lenexa, KS 66219

Petitioner’s reply is due **January 6, 2012**.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁶ 47 C.F.R. §§ 1.1200 *et seq.*

- 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 filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- 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 are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional Information: For additional information on this proceeding, please contact Brendan Murray of the Media Bureau, Policy Division, Brendan.Murray@fcc.gov, (202) 418-1573. 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:

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Press inquiries should be directed to Janice Wise, (202) 418-8165. TTY: (202) 418-7172 or (888) 835-5322.

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