



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 14-321

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## MEDIA BUREAU ACTION

### MEDIA BUREAU SEEKS COMMENT ON BUCKEYE'S REQUEST FOR WAIVER OF THE INTEGRATION BAN OF SECTION 76.1204(a)(1)

MB Docket No. 14-42; CSR-8876-Z

**Comment Date: March 27, 2014**

**Reply Comment Date: April 7, 2014**

Buckeye Cablevision, Inc. ("Buckeye") has filed a petition for waiver of the "integration ban" portion of Section 76.1204(a)(1) of the Commission's rules.<sup>1</sup> The second sentence of Section 76.1204(a)(1), commonly referred to as the "integration ban," prohibits a multichannel video programming distributor from placing in service new navigation devices for sale, lease, or use that perform both conditional access and other functions in a single integrated device.<sup>2</sup>

Buckeye seeks a waiver to deploy a "Hybrid Box" which combines a unidirectional QAM<sup>3</sup> digital terminal adaptor and an Internet Protocol (IP) video interface in one set-top device.<sup>4</sup> Buckeye states that

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<sup>1</sup> Buckeye Petition at 1.

<sup>2</sup> 47 C.F.R. § 76.1204(a)(1) ("Commencing on July 1, 2007, no multichannel video programming distributor subject to this section shall place in service new navigation devices for sale, lease, or use that perform both conditional access and other functions in a single integrated device."). See also 47 C.F.R. § 76.1204(a)(2)(i) (one-way set-top boxes without recording capability are exempt from the integration ban); *Implementation of Section 304 of the Telecommunications Act of 1996/Commercial Availability of Navigation Devices/Compatibility Between Cable Systems and Consumer Electronics Equipment*, Order on Reconsideration, 26 FCC Rcd 791, 792-3, ¶ 5 ("We now clarify that leased set-top boxes with integrated security may include an IP interface but only to the extent that the interface is not used to access cable operator-provided on-demand or cable operator-provided digital video recorder services. This prohibition is intended to prevent cable operators from subverting the spirit of the integration ban exemption for one-way, non-recording set-top boxes. It does not preclude a subscriber from using the IP connection to connect to a recording device purchased at retail.").

<sup>3</sup> Quadrature Amplitude Modulation, or "QAM," is the modulation technique that cable operators use to send digital video using traditional 6 MHz RF channels. WALTER CICIORA ET AL, *MODERN CABLE TELEVISION TECHNOLOGY* 824-6 (2d ed. Morgan Kaufmann Publishers 2004).

<sup>4</sup> Buckeye Petition at 1.

the QAM portion of the Hybrid Box utilizes integrated security while the IP portion utilizes a separate, downloadable security technology.<sup>5</sup> Buckeye further states that the Hybrid Box will produce many benefits such as spurring the transition to IP-delivered video, freeing up bandwidth for more consumer services, promoting downloadable security, and limiting consumer disruption in the IP transition.<sup>6</sup> Therefore, Buckeye asserts that a waiver of the integration ban for the Hybrid Box will serve the public interest.<sup>7</sup> We seek comment on Buckeye's waiver request.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules.<sup>8</sup> 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>9</sup>

Comments and oppositions are due **March 27, 2014**. Petitioner's reply is due **April 7, 2014**. All filings must be submitted in MB Docket No. 14-42 and CSR-8876-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.<sup>10</sup>

Comments may be filed using: (1) (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.<sup>11</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: MB Docket No. 14-42. 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>5</sup> *Id.* at 4.

<sup>6</sup> *Id.* at 10-12.

<sup>7</sup> *Id.* at 13.

<sup>8</sup> See 47 C.F.R. §§ 1.1200-1.1216.

<sup>9</sup> 47 C.F.R. § 1.1206.

<sup>10</sup> 47 C.F.R. §§ 76.7(b)(1), 76.7(c)(1).

<sup>11</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).

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> 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 12<sup>th</sup> Street, SW, Washington DC 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A726, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov), and Chao Guo, Room 4-A860, 445 12<sup>th</sup> Street, S.W., Washington, D.C. 20554 or [Chao.Guo@fcc.gov](mailto:Chao.Guo@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 12<sup>th</sup> Street, S.W., Room CY-B402  
Washington, D.C. 20554  
(202) 418-0270

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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](mailto:Janice.Wise@fcc.gov). TTY: (202) 418-7172 or (888) 835-5322.

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