

Federal Communications Commission

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of ) File Number EB-07-SE-352  
)  
Oceanic Time Warner Cable, ) NAL/Acct. No. 200932100002  
a division of Time Warner Cable, Inc. )  
Oceanic Kauai Cable System ) FRN 0018049841  
)

ERRATUM

Released: February 13, 2009

By the Chief, Enforcement Bureau:

1. On January 19, 2009, the Enforcement Bureau released a Forfeiture Order, DA 09-123, in the above captioned proceeding. This Erratum corrects footnote 55 to read as follows:

“*Navigation Devices Order*, 13 FCC Rcd at 14789.”

2. This Erratum also corrects paragraph 18 to read as follows:

“Finally, we disagree with TWC’s claims that there is no record support for the allegation that as a result of the deployment of SDV, UDCPs lose certain functions, such as picture-in-picture, and that the NAL does not take the balanced approach to equipment compatibility that is required by Section 624A.<sup>57</sup> Section 624A of the Act expressly mandates that the Commission “minimize interference with or nullification of the special functions of subscriber’s television receivers or video cassette recorders,”<sup>58</sup> and thus ensures the full compatibility of these devices with the cable system. The deployment of SDV and the requirement that a customer use a company-supplied set top box to view the now switched channels, negates whatever functionalities were available in the UDCP for those of the company-supplied set-top box. The Commission received numerous complaints from affected consumers. For instance, some cable operators have migrated linear HD programming to an SDV format, thus rendering useless the high definition capability of the navigation device. In addition, many complaints from consumers indicate that SDV deployment has affected their use of TiVo. One of TiVo's main features is the ability to watch one program while recording another (*i.e.*, TiVo Series 3 was designed with two CableCARD slots – one single-stream CableCARD ("S-Card") to decrypt the programming that the TiVo is recording, and another S-card to decrypt the programming that the TiVo is displaying). The functionality of TiVo is lost with the use of the company-supplied set-top box, which has its own built-in functionality.”

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief, Enforcement Bureau

<sup>57</sup> *TWC Response* at 17-20.

<sup>58</sup> 47 U.S.C. § 544a(c)(1)(B).