

COMMITTEE ON AGRICULTURE

SUBCOMMITTEE ON GENERAL FARM COMMODITIES  
AND RISK MANAGEMENT  
SUBCOMMITTEE ON CONSERVATION, CREDIT,  
ENERGY AND RESEARCH  
SUBCOMMITTEE ON LIVESTOCK, DAIRY AND POULTRY

COMMITTEE ON  
TRANSPORTATION & INFRASTRUCTURE

SUBCOMMITTEE ON RAILROADS, PIPELINES  
AND HAZARDOUS MATERIALS  
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,  
PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT



BETSY MARKEY

4TH DISTRICT, COLORADO

February 22, 2010

WASHINGTON OFFICE:  
1229 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
202-225-4676  
FAX: 202-225-8870

DISTRICT OFFICE:  
123 N. COLLEGE AVE., SUITE 220  
FORT COLLINS, CO 80524  
970-221-7110  
FAX: 970-221-7240

The Honorable Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

*MB*  
*offered*  
*pl*  
*JG*  
*3/16*

Re: Baja Broadband Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7111-Z

Dear Chairman Genachowski:

More than five months ago, Baja Broadband, a small cable operator serving constituents in my district, petitioned the FCC for a limited, partial waiver from the "integration ban." It is my understanding that Baja has stopped offering high-definition (HD) and digital video recorder (DVR) devices as a result of its inability to purchase lower-cost refurbished devices.

In Section 629(c) of the Communications Act, as revised by the Telecommunications Act of 1996, Congress required the Commission to grant waiver requests of its navigation device rules "within 90 days of filing if an appropriate showing has been made." Even aside from this requirement, I trust you agree that the Commission should undertake to act promptly to resolve requests especially when, as is the case here, consumers are currently unable to obtain HD and DVR services as a result of the Commission's application of the ban to refurbished devices that Baja claims to be unnecessary.

I understand that Baja has offered commitments that it believes are far more than sufficient to assure that the purposes of the integration ban remain achieved even if its requested waiver is granted. I ask that the Commission will give immediate and serious consideration to its request.

Respectfully,

Betsy Markey  
Member of Congress

1 MAR 2010 RCUD