



MAC THORNBERRY
13TH DISTRICT
TEXAS

Congress of the United States
House of Representatives

ARMED SERVICES COMMITTEE
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

December 10, 2009

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

Dear Honorable 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 determined that it is unable to upgrade an analog cable system to digital as a result of its inability to purchase lower-cost refurbished set-top boxes. As a result, Baja does not offer high-definition, digital video recorder, video-on-demand, enhanced guide, telephone or other digital services in the community.

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 act promptly to resolve requests especially when, as is the case here, consumers are currently unable to obtain digital services as a result of the Commission's application of the ban.

I ask that the Commission will give immediate and serious consideration to its request, for the benefit of my constituents and as required by law. Thank you for your consideration.

Sincerely,

Mac Thornberry
Member of Congress

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31 DEC 2009 17:00