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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

**FOR IMMEDIATE RELEASE**  
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## **Media Bureau Acts on Requests for Waiver of Rules on Integrated Set-Top Boxes and Clarifies Compliance of Downloadable Conditional Access Security Solution**

*Washington, DC* – The Media Bureau (Bureau) today acted on several requests for waiver of the Commission's rules requiring that cable operators utilize the same separable security in their set-top boxes as they require of other consumer electronics manufacturers. The Bureau granted one request filed by Cablevision, conditionally granted one filed by Bend Cable Communications, LLC, d/b/a, BendBroadband (Bend), and denied the request filed by Comcast while granting Comcast leave to amend its request. Each waiver request was evaluated individually based on the facts and information provided by the requesting party. The Bureau also released a public notice clarifying that cable operators preferring not to employ CableCARDS may use a downloadable conditional access solution to comply with our rules and noting that Beyond Broadband Technology, LLC (BBT) has already developed such a solution.

The Bureau granted Cablevision's request for a limited waiver of the integration ban for their set-top boxes, which rely on a different security card – a SmartCard – for separated security instead of the CableCARD. The Bureau found that Cablevision's SmartCard approach does not comply with our rules. The Bureau found, however, that there is good cause to temporarily grandfather Cablevision's use of its separated security solution until July 1, 2009. In making this finding, the Bureau noted that Cablevision has been using the SmartCard separable security solution since 2001, whereas other cable operators are only now beginning to place orders for set-top boxes that do not include integrated security. The Bureau also noted that Cablevision has ensured that its SmartCard works with all consumer electronics devices that can use CableCARDS.

The Bureau also conditionally granted a waiver request filed by Bend, seeking waiver of the ban on integrated set-top boxes. The Bureau found that waiver was not justified pursuant to Section 629(c) of the Communications Act, as it was not necessary to assist the development and deployment of services like digital cable and VOD. The Bureau determined that the set-top box at issue is not the type of low-cost, limited capability box envisioned by the Commission in its 2005 Order. The Bureau did find, however, that Bend's plan to migrate to an all-digital network, if accomplished by 2008 (the timeframe set forth in Bend's waiver request) justifies a waiver pursuant to Sections 1.3 and 76.7 of the Commission's rules. Thus, the Bureau granted Bend a waiver conditioned upon Bend's migration to an all-digital network by 2008 and upon Bend meeting certain milestones related to that migration. In addition, the Bureau noted the difficulties that small cable operators may face in complying with the July 1, 2007 deadline for separated security because manufacturers prioritize orders from the largest providers.

The Bureau indicated that the Commission would defer enforcement of that deadline for those small cable operators who can demonstrate that they have placed orders for set-top boxes that comply but that their orders will not be fulfilled in time for them to comply with the deadline.

The Bureau denied Comcast's request for a permanent waiver from the integration ban but granted Comcast leave to file an amended waiver request. Comcast's permanent waiver request, if granted, would exempt a vast majority of the set-top boxes being placed into service today and in the future. The Bureau found that waiver was not justified pursuant to Section 629(c) of the Communications Act, as it was not necessary to assist the development and deployment of services like digital cable, VOD and PPV. The Bureau determined that the set-top boxes at issue are not the type of low-cost, limited capability boxes envisioned by the Commission in its 2005 Deferral Order. Finally, the Bureau found that Comcast failed to demonstrate that grant of the waiver would have a direct and immediate impact on its migration to an all-digital network, despite the Commission's previous explanation that this fact would be key to a determination that it would entertain waiver requests for low-cost, limited capability boxes.

The Bureau specifically granted Comcast leave to file an amended waiver request that sought waiver for a low-cost, limited capability set-top box as described in our deferral order, or to seek waiver based on a commitment to go all-digital by a date certain such as February 2009 or sooner, when broadcasters will cease their analog operations. Finally, the Bureau noted that, should Comcast deploy a downloadable conditional access security solution that is available today, no waiver would be necessary.

Finally, the Bureau clarified that all cable operators may deploy a downloadable conditional access security solution to comply with our rules. The Bureau also noted that BBT has already developed such a solution.

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