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April 1, 1996

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Mr. William Caton, Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Open Video Systems, CS Docket No. 96-46

Dear Mr. Caton:

General Instrument Corporation (GI) submits this brief letter as comments in the above-referenced proceeding. GI's comments are limited to the question of whether the Commission's Part 68 telephone equipment rules and Section 64.702 Computer Inquiry rules should apply to Open Video Systems. GI hereby incorporates by reference its March 18, 1996 comments in CS Docket No. 95-184, dealing with home wiring and customer premises equipment.

In its Report and Order and Notice of Proposed Rulemaking herein ("NPRM"), the Commission has amended Part 63 of its Rules to comply with new Section 651 of the Communications Act of 1934, as amended by Section 302 of the Telecommunications Act of 1996. This was required in order to eliminate the previous requirement that common carriers obtain a Section 214 Authorization to offer a video programming delivery service. NPRM at para. 76.

However, the 1996 Act also requires the Commission to eliminate other "Title II-like regulation." NPRM at para. 5. This includes the customer premises equipment regulations of Part 68 and the network disclosure and equipment unbundling requirements of Section 64.702. In fact, the legislative history specifically calls for the elimination of these regulations. "Section 302(b)(3) of the conference agreement specifically repeals the Commission's video dialtone rules. Those rules implemented a rigid common carrier regime, including the Commission's customer premises equipment and Computer III rules, and thereby created substantial obstacles to the actual operation of open video systems."

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Joint Explanatory Statement of the Committee of Conference, at pages 178-79 (Section 653(c)(3)).

As we noted in our Comments in CS Docket No. 95-184, there are major technological changes coming in the architecture of broadband communications networks provided by cable TV companies and common carriers. These developments could be stifled by regulatory policies that deprive network operators of the flexibility to deploy network components in a manner that is technically and economically efficient. The Congressional policy set forth with respect to Open Video Systems is consistent with a Congressional purpose to permit the development of new and innovative services and technologies with minimal regulatory intervention.

In light of the above, the Commission should amend Sections 64.702 and 68.3 to state that the Commission's equipment rules and Computer Inquiry rules do not apply to Open Video Systems.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.