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RICHARD S. BECKER
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CONSULTING ENGINEER
SIAMAK HARANDI

December 30, 2015

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Grande Communications
Networks, LLC
Petition for Special Relief

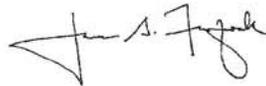
Dear Ms. Dortch:

Transmitted herewith on behalf of Grande Communications Networks, LLC pursuant to 47 C.F.R. §§76.7(a)(1) and 76.605(b) is a Petition For Special Relief ("Petition").

In addition, transmitted herewith is the Remittance Advance form (FCC Form 159) for the Petition.

Should any questions arise with respect to this matter, please communicate directly with this office.

Respectfully submitted,



Richard S. Becker
James S. Finerfrock
Attorneys for Grande
Communications Networks, LLC

Enclosures

Agency Tracking ID:PGC2781084 Authorization Number:04560G

Successful Authorization -- Date Paid: 12/30/15 FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX #979089	FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE FORM 159 PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY
SECTION A - Payer Information		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Richard S. Becker & Associates, Chartered		(3) TOTAL AMOUNT PAID (dollars and cents) \$1465.00
(4) STREET ADDRESS LINE NO. 1 7128 Fairfax Road		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Bethesda	(7) STATE MD	(8) ZIP CODE 20814
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 301-9869005		(10) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(11) PAYER (FRN) 0003726478	(12) FCC USE ONLY	
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME Grande Communications Networks, LLC		
(14) STREET ADDRESS LINE NO. 1 RCN Telecom Services, LLC		
(15) STREET ADDRESS LINE NO. 2 650 College Road East, Suite 3100		
(16) CITY Princeton	(17) STATE NJ	(18) ZIP CODE 08540
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 609-6812184		(20) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(21) APPLICANT (FRN) 0006178198	(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) FCC Call Sign/Other ID <p style="text-align: center;">N/A</p>	(24A) Payment Type Code(PTC) <p style="text-align: center;">TQC</p>	(25A) Quantity <p style="text-align: center;">1</p>
(26A) Fee Due for (PTC) <p style="text-align: center;">\$1,465.00</p>	(27A) Total Fee <p style="text-align: center;">\$1465.00</p>	FCC Use Only
(28A) FCC CODE 1 <p style="text-align: center;">N/A</p>	(29A) FCC CODE 2 <p style="text-align: center;">N/A</p>	
(23B) FCC Call Sign/Other ID	(24B) Payment Type Code(PTC)	(25B) Quantity
(26B) Fee Due for (PTC)	(27B) Total Fee	FCC Use Only

(28B) FCC CODE 1

(29B) FCC CODE 2



Electronic Form 159

Payment Confirmation

Your transaction has been approved. For your records, please note the following:

AGENCY TRACKING ID:	PGC2781084
AUTHORIZATION NUMBER :	04560G
AMOUNT PAID :	\$1,465.00

PRINT FORM 159

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
GRANDE COMMUNICATIONS) CSR-
NETWORKS, LLC)
)
Petition for Special Relief)
for Temple System Serving)
Communities Specified At)
Exhibit 1 Hereto)

To: Chief, Media Bureau

PETITION FOR SPECIAL RELIEF

Grande Communications Networks, LLC ("Grande"), by its attorneys and pursuant to Sections 76.7(a)(1) and 76.605(b) of the Commission's Rules,¹ hereby petitions the Commission for special relief from the performance test requirements contained in Sections 76.601 and 76.605(a)(1)-(11) of the Commission's Rules² with respect to the "Temple System" operated by Grande and serving the communities identified in Exhibit 1 hereto. In support of this Petition, the following is respectfully shown.

1. Grande operates the Temple System providing cable television services to its subscribers in the communities specified at Exhibit 1 hereto. Grande is now in the process of converting the Temple System from an analog to an all-digital network and Grande anticipates that this digital conversion of the Temple System will be complete on or before April 1, 2016.

¹47 C.F.R. §§76.7(a)(1), 76.605(b).

²47 C.F.R. §§76.601, 76.605(a)(1)-(11).

2. The Commission has established a mandatory testing regime and minimum technical standards governing signal quality for cable channels.³ These rules provide detailed minimum performance standards for an analog signal, including among others, signal strength, signal to noise ratio, and separation standards of the video, color and sound carrier.⁴ These tests are generally referred to as "Proof of Performance" and are intended to ensure that cable subscribers receive a good quality signal.⁵ Operators are required to perform these tests at least twice yearly and make available the results for inspection by the local franchising authority and the Commission.⁶ Section 76.605(b) of the Commission's Rules provides that if a cable system's basic design is incompatible with one or more of the Proof of Performance standards set forth in Section 76.605(a), relief from those standards may be granted upon an adequate showing that such relief will benefit the public interest.⁷

3. In a 2009 decision, the Media Bureau ("Bureau") recognized that conversion of a cable system to all-digital format is a development that warrants relief pursuant to Section

³47 C.F.R. §§76.601, 76.605(a); *Cable Television Technical and Operational Requirements*, MM Docket 91-169, Report and Order, 7 FCC Rcd 2021 (1992); see also *Petitions for Reconsideration*, Memorandum Opinion and Order, 7 FCC Rcd 8676 (1992).

⁴47 C.F.R. §76.605(a).

⁵*Id.*

⁶47 C.F.R. §76.1704.

⁷47 C.F.R. §76.605(b).

76.605(b).⁸ Specifically, the Bureau held that, "[t]he transition to digital encoding for cable systems is such a development as the digital waveform no longer has the characteristics Section 76.605(a) seeks to measure" and that requiring cable operators "to perform Proof of Performance tests as written on ... all-digital systems and maintain the results for inspection imposes an unnecessary expense and provides no benefit to the public."⁹ The Bureau granted relief "until such time when the Commission may revise the rules to adequately address systems utilizing all-digital transmission."¹⁰ The Bureau still required, however, that: (i) the operator "must continue to meet the ultimate obligation to provide a good quality signal to subscribers;"¹¹ (ii) the operator must "comply with the complaint resolution provisions in Section 76.1713;"¹² and (iii) "we maintain the requirement to measure signal leakage on all frequencies as required by Section 76.605(a) (12)."¹³

4. Consistent with the Bureau's decision in the *Order*, in 2012, the Commission proposed modifying its Rules to address, *inter alia*, the Proof of Performance conundrum now confronting cable

⁸*RCN Corporation*, 24 FCC Rcd 12874 (Med. Bur. 2009) (hereinafter "*Order*"), *reconsideration granted on other grounds*, 25 FCC Rcd 5537 (2010).

⁹*Order*, 24 FCC Rcd at 12875 (¶3).

¹⁰*Id.*, 24 FCC Rcd at 12875 (¶6).

¹¹*Id.*, 24 FCC Rcd at 12875 (¶5).

¹²*Id.*, 24 FCC Rcd at 12875 (¶5).

¹³*Id.*, 24 FCC Rcd at 12875 (¶4).

operators like Grande who are converting their cable systems to all-digital format.¹⁴ The Commission recognized that a review of its Rules, "is necessary because our cable television technical rules were largely established when analog technology was predominant and digital technology was rare" and that as a result, "our current rules treat the use of digital technology as an exception rather than the rule."¹⁵ The Commission also again acknowledged the public interest benefits of digital technologies.¹⁶ As yet, the Commission has not acted on the 2012 NPRM or adopted new rules to replace Section 76.605(a) Proof of Performance requirements for all-digital cable systems.

5. Grande will soon complete transition of the Temple System to all-digital format. Faced with the ongoing conundrum described in the *Order* and 2012 NPRM decisions, Grande hereby requests relief from the Proof of Performance requirements of Sections 76.601 and 76.605(a)(1)-(11) with respect to the Temple System once Grande completes conversion of that system to all-digital format. Grande

¹⁴Cable Television Technical and Operational Requirements, *Notice of Proposed Rulemaking*, 27 FCC Rcd 9678 (2012) ("2012 NPRM").

¹⁵2012 NPRM, 27 FCC Rcd at 9680 (¶3).

¹⁶See, e.g., *id.*, 27 FCC Rcd at 9679 (¶2) ("[c]able television operators' transition to more efficient digital technology has freed up their limited bandwidth so they can offer new and improved products and services"); Carriage of Digital Television Broadcast Signals, *Fifth Report and Order*, 27 FCC Rcd 6529, 6562 (Statement of Commission Clyburn) (2012) ("[g]oing from analog to digital will result in better and more efficient service to customers, and will allow cable companies to offer more content with less bandwidth").

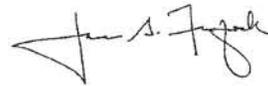
respectfully submits that for all of the reasons identified by the Bureau in the *Order* and *2012 NPRM* decisions, the Bureau should grant the relief requested in the instant Petition for the Temple System pending Commission action on the *2012 NPRM* and adoption of new Proof of Performance requirements that can be implemented by all-digital cable system operators. Grande recognizes that consistent with the Bureau's decision in the *Order*, even after relief is granted as requested herein: (i) Grande "must continue to meet the ultimate obligation to provide a good quality signal to subscribers;" (ii) Grande must "comply with the complaint resolution provisions in Section 76.1713;" and (iii) the Commission will "maintain the requirement to measure signal leakage on all frequencies as required by Section 76.605(a)(12)."¹⁷ Grande respectfully submits, however, that in the absence of action on the *2012 NPRM*, the Bureau should act promptly to grant Grande the relief requested herein.

¹⁷See paragraph 3, *supra*.

WHEREFORE, for all of the foregoing reasons, Grande respectfully requests that the Bureau grant relief pursuant to Section 76.605(b) from the Proof of Performance requirements of Sections 76.601 and 76.605(a)(1)-(11) with respect to the Temple System.

Respectfully submitted,

**GRANDE COMMUNICATIONS
NETWORKS, LLC**



By: _____

Richard S. Becker
James S. Finerfrock

Its Attorneys

Richard S. Becker & Associates, Chartered
7128 Fairfax Road
Bethesda, MD 20814
Telephone: (301) 986-9005
Facsimile: (301) 986-8456
E-Mail: beckereng@aol.com

Date: December 30, 2015

Exhibit 1

I. Grande Temple System¹

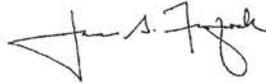
<u>CUID</u>	<u>COMMUNITY</u>
TX1961	Temple
TX1045	Morgan Point
TX1046	Little River-Academy
TX1047	Rogers
TX1049	Troy
TX1050	Salado

¹Grande's Temple System currently includes CUID TX1048 - Moody. As part of Grande's digital conversion, however, the Moody CUID will be migrated to Grande's Waco, Texas, system. Accordingly, Grande is not including Moody CUID TX1048 in the Grande "Temple System" that is converting to all-digital format and that is the subject of the instant Petition For Special Relief.

Exhibit 2

Certification Pursuant to 47 C.F.R. §76.6(a)(4)

I have read the foregoing Petition For Special Relief ("Petition") and, to the best of my knowledge, information and belief formed after reasonable inquiry, the Petition is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and the Petition is not interposed for any improper purpose.



James S. Finerfrock

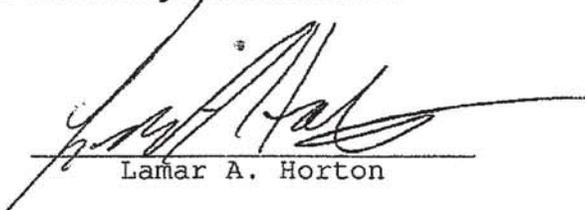
Date: December 30, 2015

Exhibit 3

Horton Declaration

**DECLARATION OF
LAMAR A. HORTON**

I, Lamar A. Horton, declare under penalty of perjury under the laws of the United States of America that I have knowledge of the facts set forth in the attached Statement and that all such facts are true and correct of my own personal knowledge and belief.



Lamar A. Horton

Date: December 29, 2015

**STATEMENT OF
LAMAR A. HORTON**

1. I am Vice President, Network Engineering and Operations, for Grande Communications Networks, LLC ("Grande"). Grande operates a cable television system in the Temple, Texas, area (the "Temple System").

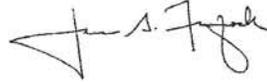
2. Grande is now in the process of converting the Temple System from an analog to an all-digital network and Grande anticipates that this digital conversion of the Temple System will be complete on or before April 1, 2016.

Certificate Of Service

I, James S. Finerfrock, an attorney with the law firm of Richard S. Becker & Associates, Chartered, hereby certify that I have on this 30th day of December, 2015, sent by First Class United States mail, postage prepaid, copies of the foregoing "**PETITION FOR SPECIAL RELIEF**" to the following:

Central Records
Public Utility Commission of
Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, TX 78711-3326
Franchising Authority for the
Temple System

Jeffrey Neumann, Esquire*
Media Bureau
Federal Communications
Commission
Jeffrey.Neumann@fcc.gov



James S. Finerfrock

* Via E-Mail