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June 15, 2006

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: In the Matter of Comcast Corporation's Request for Waiver of 47 C.F.R. § 76.1204(a) (1), CSR-7012-Z, CS Docket No. 97-80

Dear Ms. Dortch:

Scientific Atlanta, Inc., a Cisco Company (hereinafter "S-A"), submits this letter strongly supporting the Request for Waiver filed by Comcast Corporation on April 19, 2006 in the above-captioned proceeding.¹ In that request, Comcast asks that the Commission waive its integration ban rule for certain limited-capability set-top boxes, including S-A's Explorer 940 set-top box. S-A believes that grant of the waiver will serve important public policy objectives and should be approved as expeditiously as possible.

In its March 2005 order deferring the integration ban rule until July 1, 2007, the Commission specifically invited requests for waiver of that rule for low-cost, limited-capability integrated set-top boxes.² The Commission noted, among other things: "It is critical to the DTV transition that consumers have access to inexpensive digital set-top boxes that will permit the viewing of digital programming on analog television sets both during and after the transition."³ Furthermore, the Commission expressed its belief that limited-capability boxes would not endanger the competitive market because "the more advanced devices offered by cable operators for primary home use will be required to rely on the same CableCARD technology as devices offered at retail by consumer electronic manufacturers."⁴

The Explorer 940 set-top box is precisely the type of limited-capability set-top box referenced in the *Integration Ban Order* and for which the Commission has said it will favorably consider waiver requests. The Explorer 940 is a digital cable set-top box that enables customers with analog television sets to access digital tiers of programming, the electronic program guide, video-on-demand (VOD) services, and parental controls, among other things, but does not

¹ See *In the Matter of Comcast Corporation's Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7012-Z, CS Docket No. 97-80* (Apr. 19, 2006) ("Comcast Request").

² See *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 20 FCC Rcd. 6794 ¶ 37 (2005) ("*Integration Ban Order*").

³ *Id.*

⁴ *Id.*

support advanced functions, such as high-definition programming and digital video recording capabilities,⁵

We believe grant of the Comcast Request will advance important public interest benefits. It will accelerate consumer adoption of digital programming services and also hasten cable operators' transition to an all-digital platform. This, in turn, will enable cable operators to recapture analog spectrum for more high-definition and VOD programming as well as other digital services. Approval of the waiver will also help the cable industry maintain momentum on the DCAS initiative, which, as the Commission has noted, will provide a "less expensive and more flexible" security solution than the CableCARD.⁶

In contrast, denial of the waiver will create significant harms for consumers and cable operators alike. As noted in the Comcast Request, equipping the Explorer 940 and other limited-capability set-top boxes with a CableCARD would require a substantial -- and costly -- redesign of those devices.⁷ Comcast has made plain that, under this scenario, it would have to pursue other, more expensive equipment options.⁸ As a result, fewer digital set-top boxes would be deployed and fewer consumers would have access to digital programming and services. Cable operators' transition to an all-digital platform would therefore be slowed and operators' efforts to recapture analog spectrum for other uses would be derailed. Moreover, forcing cable operators to develop a CableCARD alternative to the Explorer 940 and other limited-capability set-top boxes would likely require the diversion of resources away from the DCAS initiative -- thereby slowing progress on this important effort and potentially denying consumers, operators, and equipment manufacturers the many benefits associated with the technology.⁹

For the foregoing reasons, and those identified in the Comcast Request, S-A requests that the Commission give prompt approval to the Comcast Request. Furthermore, S-A also asks that any waiver grant cover the devices referenced in the Comcast Request as well as replacement and successor set-top boxes and those other limited-capability set-top boxes that share similar characteristics as the specified devices. As Comcast noted, clarifying that the waiver grant covers all such devices will eliminate the administrative burdens associated with the filing of separate -- and largely duplicative -- waiver requests.¹⁰

Respectfully submitted,



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⁵ See Comcast Request at 5-6 & Ex. B.

⁶ See *Integration Ban Order* ¶ 31.

⁷ See Comcast Request at 17.

⁸ See *id.*

⁹ See *id.* at 19; see also *Integration Ban Order* ¶ 31 (expressing concerns about the diversion of resources away from downloadable security).

¹⁰ See Comcast Request at 7.