

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Applications for Consent to the Assignment
No. 05-192
and/or Transfer of Control of Licenses

MB Docket

Adelphia Communications Corporation,
(and subsidiaries, debtors-in-possession),
Assignors,

to

Time Warner Cable Inc. (subsidiaries),
Assignees;

Adelphia Communications Corporation,
(and subsidiaries, debtors-in-possession),
Assignors and Transferors,

to

Comcast Corporation (subsidiaries),
Assignees and Transferees;

Comcast Corporation, Transferor,
to

Time Warner Inc., Transferee;

Time Warner Inc., Transferor,
to

Comcast Corporation, Transferee

**REPLY TO OPPOSITION TO
PETITION FOR RECONSIDERATION**

IBC WORLDWIDE, LTD. ("IBC") herewith submits its REPLY TO THE OPPOSITION TO PETITION FOR RECONSIDERATION ("REPLY"). IBC earlier filed a PETITION FOR RECONSIDERATION ("Petition") with respect to the Commission's MEMORANDUM OPINION AND ORDER (MO&O) in this transfer proceeding.

IBC has reviewed the OPPOSITION TO PETITION FOR RECONSIDERATION (“Opposition”), as submitted by counsel to Adelphia Communications Corporation (“Adelphia”), Time Warner Inc. (“Time Warner”) and Comcast Corporation (“Comcast”) (collectively “Applicants”). Based on this review, IBC has concluded that the Applicants have failed in any way to consider and discuss the fundamental argument raised in IBC’s Petition and previously set forth in its Comments and Reply Comments in this proceeding.

Specifically, IBC finds Applicants have totally failed to consider, analyze and refute its primary allegation, namely, that the Commission’s by design or negligence completely disregarded IBC’s policy / public safety proposal outlined in its Comments and Reply Comments which seeks the adoption of a condition to the transfers at issue herein requiring the transferees to use only settop converter boxes that allow direct access to the Internet on one of the channels, so-called Cable Internet Ready (CIR) or Internet Compatible settop boxes.

IBC contends that the Commission’s actions (or inactions) as noted above were arbitrary and capricious, and in direct violation of the Administrative Procedure Act (APA), the Communications Act of 1934, as amended (Communications Act), and its own Rules and Regulations.

IBC continues to find the Commission’s arbitrary refusal to properly review, address and ultimately adopt and impose IBC’s recommended transfer condition requiring the transferees hereunder to install only Internet compatible settop converters to constitute a fundamental failure to comply with the agency’s primary obligation to make available to all U.S. citizens “a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications...” (Communications Act of 1934, as amended, 47 USC 151).

IBC’s policy / public safety proposal, as few others, would provide an effective means to fulfill the Commission’s primary advanced standard of service obligation as defined by statute. IBC believes that it is most critical at this unique time in our nation’s history that the universal use of Internet compatible settop converters provide an immediate, cost effective means to connect homes and offices to the Internet, so as to provide citizens a true cable-Internet lifeline in cases of local, regional and national emergencies.

Applicants – as the Commission before them - failed in any way to address the substance of IBC’s policy / public safety proposal in their Opposition. Hence, IBC takes the position that its proposal has not been opposed by Applicants.

IBC therefore respectfully restates its request that the MO&O be set aside be found to be unopposed, thereby permitting the critical matters raised by IBC in its Comments, Reply Comments and Petition to be reviewed, fully considered and addressed and adopted in a supplementary ruling, so as to require the transferees to utilize only Internet compatible settop converters in their operations.

Failure of Applicants To Address IBC Policy Position In Their Opposition

Applicants in their Opposition state that the Commission referenced two matters raised by IBC in its Comments and Reply Comments. Specifically, Applicants note that the Commission mentioned the Hispanic audience gatekeeper issue (see MO&O ¶ 104), outlined by IBC in the context of a larger argument, calling into question the growing market domination of the major cable oligopoly owners, including Applicants.

Additionally, the Applicants state that at ¶ 214 of the MO&O, the Commission included a brief discussion of the “allegation that the transactions would give Comcast and/or Time Warner the incentive to engage in conduct that is harmful to consumers or competition with the respect to the delivery of Internet content, services, or applications and a consideration of competitive.” (Opposition at pg. 3) Applicants restate the Commission’s conclusion that the imposition of competitive safeguards was not necessary “given the competitive nature of the broadband market.” (Ibid, quoting MO&O at ¶¶ 217-225)

It is obvious from the above, which sets out in their entirety the Commission’s consideration of IBC’s Comments and Reply Comments, that the agency totally failed in any manner to address IBC’s fundamental issue, i.e. the critical policy/ public safety proposal to require cable Internet-ready settop boxes as raised in its filings in this proceeding. And just as the Commission failed to address this vital matter, so did Applicants adroitly avoid mentioning this key issue in their cursory review of the text of the MO&O as set forth in their Opposition.

In its discussion of the Cable Internet Ready settop box (CIR) proposal, IBC did not deal in any way with the anticompetitive issues between Comcast and Time Warner viz a viz the Internet industry. IBC’s anticompetitive concerns were strictly focused on the general issues of competition and dominance created as a result of the expansion and increasing power of the diminishing numbers of the cable industry’s oligopoly.

Clearly, the Applicants, and presumably all cable operators, are concerned with the competitive impact which the Internet may have on their businesses. Additionally, the cable systems that offer Internet DSL and similar type services to link their subscribers to the Internet are concerned that they be able to maximize the revenue potential of this ancillary service. While these are continuing commercial concerns to cable operators, they are not in any way the focus of IBC’s CIR policy / public safety proposal.

With respect to its CIR proposal, as made abundantly clear in its Comments, Reply Comments and Petition, IBC’s paramount concern is one of public health, safety and welfare. As such, this has nothing to do with issues of competition between the Internet and cable industries.

As previously noted by IBC, and corroborated by the Applicants in their Opposition, the Commission did not address IBC’s critical CIR public policy / public safety issue in its MO&O. This vital omission necessitates the grant of the action sought in the Petition and

herein, i.e., the adoption of the CIR requirement, which ruling request has not been addressed, and has therefore not been opposed by Applicants.

Cable Internet Ready (CIR) Settop Converter Proposal

IBC fully demonstrated in its previous filings that the advances of technology have made it possible to make every cable TV box Internet accessible. Through the addition of a simple computer chip, every cable box can become Internet compatible and allow TV set reception of all visual and audio data distributed via the Internet. This will immediately open a path for all program suppliers- including public safety agencies- into cable equipped homes and offices across the country.

As noted, the issue is not one of competition, although surely the use of the CIR will bypass the cable operator, permitting the subscriber to be able to access the Internet directly. Of far greater importance are issues impacting public health, safety and welfare.

Through the CIR, every cable subscriber will be directly linked to the Internet and to the immediate supply of news and information –including public service announcements by federal, state and local public safety services and organizations. The CIR will provide immediate access to in-home and in-office television sets for the Homeland Security Agency, obviating the need to construct a new communications network to access the country's 85+ million cable TV homes. Through the imposition of the CIR requirement, the nation will have a new public safety communications network readily available to respond to every manner and type of emergency situation.

Since well before the tragic events of 9/11, the Department of Defense and other federal, state and local emergency response agencies have been considering ways and means to establish expanded state-of-the-art communications links to all U.S. citizens. As these research efforts have continued, the Internet has grown and expanded, constantly adding advanced capabilities.

With this unparalleled resource readily available throughout the country, IBC, after considerable research into the practicalities of establishing a universal cable-Internet link, concluded that it would best serve the public interest for the Commission to mandate the establishment of the CIR.

IBC has discussed its policy proposal with representatives of the national defense establishment, members of Congress and their staffs, representatives of the Administration and independent administrative agencies, as well as state and local first responder organizations. All have seen the tremendous public safety benefits that will be delivered through the CIR policy. With the addition of the CIR, literally every TV set linked to a cable system will immediately be able to directly access Internet sites operated by federal, state and local public safety organizations.

Other key advantages will immediately be gained from the CIR settop box, including the following:

- The CIR will open the Internet to low income families that have television access available.
- The CIR will provide a low cost entree point for senior citizens.
- The CIR will provide a venue for an ever-expanding program production industry seeking access for their content.
- The CIR will expand and extend all types of communications – local, regional, national and international.

IBC must once again point out that CIR type settops are already becoming standard in various European countries. Thus, as in the case of high definition technology, by failing to adopt CIR type settop converters, the United States is falling behind the advanced telecommunications technologies being used in the rest of the world. For this reason alone, the Commission without question should have launched a full scale exploration of this critical issue as outlined in detail in IBC's Comments, Reply Comments and Petition. The deliberate or negligent failure of the Commission to do so must be found to be arbitrary and capricious and a serious error supporting the immediate suspension of the MO&O. It must also be found to represent a fundamental lapse of judgment in the carrying out its primary statutory responsibility and obligation to assure the nation's population has access to advanced, state-of-the-art communications technologies and facilities (see 47 USC § 151)..

CIR Transfer Condition

As IBC has previously noted, the advantages offered by CIR equipped cable systems are truly unprecedented. Consequently, IBC respectfully restates its request that the MO&O be set aside immediately. The key issues raised by IBC's policy/public safety proposal can then be properly considered and addressed in their entirety.

As noted above, Applicants did not address in any way IBC's policy/public safety proposal in their Opposition. Since Applicants failed to address IBC's CIR proposal in any way, it must be concluded that Applicants do not oppose the grant of this vital and fundamental public safety rule.

IBC therefore requests that the Commission issue a revised MO&O, specifically requiring that all licenses and permits transferred pursuant to applications under review in this proceeding be conditioned on the following requirement:

Within 12 months of the grant of the subject transfer applications, all

settop converters used by the Transferee(s) shall be Cable Internet Ready, i.e. converters shall be so equipped to provide at least one channel position for direct reception of data transmissions of the Internet by all cable customers.

IBC notes that its policy / public safety proposal, as few others, is designed to provide an effective means to fulfill the Commission's primary statutory standard of service obligation to make available to all citizens "a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communications..." (Communications Act, 47 USC 151)...

IBC remains convinced that it is most critical at this unique time in our nation's history that its CIR proposal be adopted and implemented by the Applicants. The rule then should be extended to all cable operators throughout the country. In this way, the Commission can assure that citizens are given access to Internet compatible settop converters providing an immediate, cost effective means to connect their homes and offices to the Internet, so as to provide a true cable-Internet lifeline in cases of local, regional and national emergencies.

Respectfully submitted,

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By /s/ Frank Liberman

Frank Liberman
Its President.

Dated: September 6, 2006