



PUBLIC NOTICE

Federal Communications Commission
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MEDIA BUREAU ACTION

REQUEST FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1) FILED WITH THE COMMISSION

CSR-7049-Z/CS Docket No. 97-80

Comment Date: September 18, 2006

Reply Comment Date: September 28, 2006

Charter Communications Inc. ("Charter" or "Petitioner") has filed a request pursuant to Section 629(c) of the Communications Act of 1934, as amended (the "Communications Act"),¹ and Sections 76.7 and 76.1207 of the Commission's rules² for waiver of the prohibition set forth in Section 76.1204(a)(1) of the Commission's rules, which prohibits multichannel video programming distributors from offering navigation devices that perform both conditional access and other functions, for seven specific set-top box models.³ Charter asserts that its Waiver Request is limited in scope to the types of devices the Commission identified in the *2005 Deferral Order* (i.e., low-cost, limited-capability set-top boxes).⁴ Charter claims that waiver of the prohibition for the subject devices would serve the public interest by, among other things, broadening consumers' access to family and international tiers of programming, promoting the digital television transition, and expediting consumer adoption of digital services, such as parental controls, video-on-demand and other interactive services.⁵ We seek comment on Charter's request.

This proceeding will be treated as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.⁶

¹ 47 U.S.C. § 549(c).

² 47 C.F.R. §§ 76.7, 76.1207.

³ See Charter Communications, Inc. Request for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed July 14, 2006) ("Waiver Request").

⁴ See *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 20 FCC Rcd 6794, 6814, para. 37 (2005) ("2005 Deferral Order").

⁵ Waiver Request at 12-13.

⁶ 47 C.F.R. § 1.1206.

Comments and oppositions are due September 18, 2006. All filings should refer to the case identifier, CSR-7049-Z, and CS Docket No. 97-80 and must be submitted in CS Docket No. 97-80. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments and oppositions filed must indicate that they have been served on Petitioner. All comments and oppositions must be served on counsel for Petitioner:

Christin S. McMeley
Charter Communications
12405 Powerscourt Drive
St. Louis, MO 63131

Paul Glist
Paul Hudson
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Washington, D.C. 20006

Petitioner's reply is due September 28, 2006.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁷

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: CS Docket No. 97-80. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322, 11326, para. 8 (April 6, 1998).

Street, SW, Washington, D.C. 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-C841, 445 12th Street, S.W., Washington, D.C. 20554 or Brendan.Murray@fcc.gov.

Copies of the Waiver Request and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7092

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-1573. Press inquiries should be directed to Rebecca Fisher of the Media Bureau, (202) 418-2359. TTY: (202) 418-7172 or (888) 835-5322.

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