

December 28, 2006

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CS Docket 97-80

Dear Chairman Martin:

I am writing as a private citizen and long-time cable customer to express my opposition to petitions by the cable industry to further delay implementation of the set-top box integration ban.

In my view, the cable industry has not demonstrated that further delay would serve anybody's interest other than their own self-interest. This view is based on my own personal experience in trying to obtain cablecards for my TiVo series3 DVR.

My cable television provider is Time Warner Cable. On December 15, 2006, I activated my TiVo unit and called Time Warner Cable to obtain two cablecards. When I explained to the Time Warner representative who took the call that I wanted two cablecards for my TiVo series3 cablecard-ready DVR, he said "Can I put you on hold?" Two minutes later another representative came on the line and she said "What do you want." I again explained what I wanted. She also said "Can I put you on hold?" After several more minutes on hold she returned and said that Time Warner Cable only supports its own boxes and wouldn't be able to install the two cablecards in the TiVo series3 DVR. I said don't you support cablecards for Sony televisions? You don't own Sony, do you? She said, "Ok we do support cablecards, but only for televisions."

I asked to speak to the supervisor, who immediately came on the line. He repeated that Time Warner Cable doesn't support TiVo series3 set-top boxes, and that it is entirely legal for them not to do so. He said that if I wanted a DVR, I should get theirs. I said that the TiVo series3 has many features that Time Warner's DVR doesn't have. Eventually, he gave me a case number and said someone would call back in a week. I asked for his name, and he hung up on me.

Given this experience, I decided to use the Internet and see what I could learn about cable company support for cablecards. I learned a lot.

To begin with, the TWC Hudson Valley page on cablecards does explicitly state that they only support TVs. The same is true of TWC Albany, which supports the Capitol Region and western Mass. (<http://www.time-warner.com/hudsonvalley/products/cablecard.html>). As I learned first hand, as of mid-December 2006, Time Warner Cable in the Mid-Hudson Valley, Albany and western Massachusetts had decided not to support the use of cablecards in competitive set-top boxes like the TiVo series3, offering instead to provide

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and outraged by Time Warner's behavior, and given my family connection to TiVo, I took the time to engage in this cablecard odyssey with Time Warner. Most consumers, when faced with Time Warner's refusal to provide cablecards, would have simply returned the TiVo series3, said the heck with it, and just settled for Time Warner's "oxcart" of a DVR.

I urge you to launch an investigation into the anticompetitive practices of the cable industry in seeking to restrict consumers' choice of set-top box technology and to deny any attempts by the cable industry to seek any waivers of cablecard regulations that would further weaken what little support there is for the availability of competitive set-top boxes. The cable industry's behavior with respect to cablecards can only be characterized as anti-competitive and anti-consumer. The FCC should put a stop to it once and for all.

Sincerely,



Arthur Goldschmidt
16 Beechwood Park
Poughkeepsie, NY 12601

Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate