

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

In the Matter of)	
)	
Implementation of Section 304 of the Telecommunications Act of 1996)	CS Docket No. 97-80
)	
Commercial Availability of Navigation Devices)	
)	
)	
Atlantic Broadband Finance, LLC)	CSR-7110-Z
Request for Waiver of)	
47 C.F.R. § 76.1204(a)(1))	

**Comments of the Consumer Electronics Association
on Atlantic Broadband Finance, LLC's
Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)**

March 12, 2007

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While CEA has been sympathetic to the plight of smaller cable operators that are effectively at the mercy of product decisions taken by the major MSOs and the unilateral dictates of entrenched vendors, CEA believes that further postponement of common reliance on separable security devices will undermine Congress's basic intention of creating, at long last, a true competitive market for navigation devices. Accordingly, the petition of Atlantic Broadband Finance, LLC should be denied. CEA hereby incorporates its comments on the San Bruno Cable and RCN requests for waiver, by reference.¹

Atlantic requests waivers for advanced-functionality devices including the Motorola DCT-2500, and the Scientific-Atlanta Explorer 3100, 3200, and 3250. These products are not low cost nor limited functionality devices, and a waiver for these products is even less appropriate than for the simpler DCT-700. These advanced devices

¹ Comments of CEA on City of San Bruno d/b/a San Bruno Municipal Cable Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7116-Z, CS Docket No. 97-80 (Mar. 5, 2007); Comments of CEA on RCN Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7113-Z, CS Docket No. 97-80 (Mar. 5, 2007).

offer interactive features such as video-on-demand (VOD) with pause and rewind functions, as well as surround sound and high definition (HD) video.² The Commission, wisely recognizing that a competitive market for devices that carry these advanced features is vitally important, excluded such devices from its contemplation of waivers in the 2005 *Deferral Order*.³ These devices are not “low cost” – Atlantic’s petition quotes a price of \$170-200 per box,⁴ which is over twice the cost of a DCT-700. To grant a waiver for all of these devices on the basis of the 2005 *Deferral Order* would be to stretch the definition of a low-cost, limited functionality device beyond any meaningful limit.

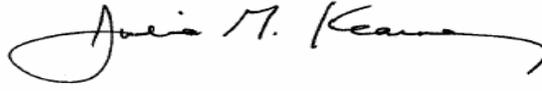
Additionally, the Commission should deny Atlantic’s request to exclude refurbished integrated set-top boxes from the “new devices” covered by the common reliance rule. The repeated postponements of common reliance have allowed MSOs to place thousands more integrated devices into circulation. Allowing the purchase of remanufactured devices going forward will ensure that devices with separable security will remain a poorly supported niche product for many years to come, and further reduce incentives to deploy a truly open and non-integrated downloadable security technology in the near future.

² Motorola DCT2500 Digital Set-top, <http://broadband.motorola.com/consumers/products/dct2500/> (accessed Mar. 12, 2007); Explorer 3100, http://www.scientificatlanta.com/products/consumers/new_explorer3100HD.htm (accessed Mar. 12, 2007).

³ *Implementation of Section 304 of the Telecommunications Act of 1996 – Commercial Availability of Navigation Devices*, CS Docket No. 97-80, Second Report and Order, 20 FCC Rcd 6794 ¶ 37 (2005) (the 2005 Deferral Order).

⁴ Atlantic Broadband Finance petition at 3.

Respectfully submitted,



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Dated: March 12, 2007

CERTIFICATE OF SERVICE

I do hereby certify that on March 12, 2007 I caused a true and correct copy of the foregoing Comments of the Consumer Electronics Association on Atlantic Broadband Finance, LLC's Request for Waiver of 47 C.F.R. § 76.1204(a)(1) to be served via overnight mail on the following:

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