

**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 |) | |
| |) | |
| |) | |
| NPG Cable, Inc. |) | CSR-7109-Z |
| Request for Waiver of |) | |
| 47 C.F.R. § 76.1204(a)(1) |) | |

**Comments of the Consumer Electronics Association
on the NPG Cable, Inc. Petition
for Waiver of 47 C.F.R. § 76.1204(a)(1)**

March 12, 2007

**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 |) | |
| |) | |
| |) | |
| NPG Cable, Inc. |) | CSR-7109-Z |
| Request for Waiver of |) | |
| 47 C.F.R. § 76.1204(a)(1) |) | |

**Comments of the Consumer Electronics Association
on the NPG Cable, Inc. Petition
for Waiver of 47 C.F.R. § 76.1204(a)(1)**

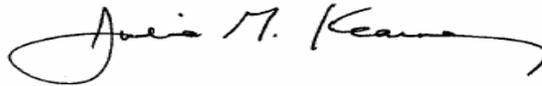
While CEA has been sympathetic to the plight of smaller cable operators that are effectively at the mercy of product decisions taken by the major MSOs and the unilateral dictates of entrenched vendors, CEA believes that further postponement of common reliance on separable security devices will undermine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

Additionally, the Commission should deny NPG’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

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).

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.

Respectfully submitted,



Of counsel
Robert S. Schwartz
Mitchell L. Stoltz
Constantine Cannon LLP
1627 Eye Street, N.W.
Washington, D.C. 20006
(202) 204-3508

Julie M. Kearney
Senior Director and Regulatory Counsel
CONSUMER ELECTRONICS ASSOCIATION
2500 Wilson Boulevard
Arlington, VA 22201
Tel: (703) 907-7644

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 NPG Cable, Inc.'s Request for Waiver of 47 C.F.R. § 76.1204(a)(1) to be served via overnight mail on the following:

Nicole E. Paolini-Subramanya
Cinnamon Mueller
307 N. Michigan Avenue, Suite 1020
Chicago, IL 60601
Email – npaolini@cm-chi.com

Attorneys for NPG Cable, Inc.

Matthew M. Polka
President & CEO
American Cable Association
One Parkway Center
Suite 212
Pittsburgh, Pennsylvania 15220
Email – mpolka@americancable.org

Steve B. Sharkey
Director, Spectrum and Standards Strategy
Jason E. Friedrich
Assistant Director, Telecommunications Regulation
Motorola, Inc.
1455 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
Email – stevesharkey@motorola.com

/s/Patricia O'Keefe
Patricia O'Keefe