

**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)	
)	
)	
Orange Broadband Operating Company, LLC and Carolina Broadband, LLC)	CSR-7111-Z
Request for Waiver of)	
47 C.F.R. § 76.1204(a)(1))	

**Comments of the Consumer Electronics Association
on the Orange Broadband Operating Company, LLC
and Carolina Broadband, LLC's Petition for Waiver
of 47 C.F.R. § 76.1204(a)(1)**

March 12, 2007

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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 Orange Broadband Operating Company, LLC and Carolina Broadband, LLC should be denied. CEA hereby incorporates its comments on the San Bruno Cable and RCN requests for waiver, by reference.¹

Orange Broadband and Carolina Broadband requests waivers for an advanced-functionality device, the Motorola DCT-2500, which is not a low cost nor limited

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).

functionality device. A waiver for this product is even less appropriate than for the simpler DCT-700. The DCT-2500 offers interactive features such as video-on-demand (VOD).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 The DCT-2500 costs \$170-200 per box,⁴ over twice the cost of a DCT-700. To grant a waiver for the DCT-2500 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 the cable operators' 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

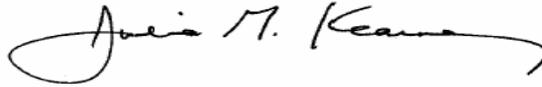
² Motorola DCT2500 Digital Set-top, <http://broadband.motorola.com/consumers/products/dct2500/> (accessed Mar. 12, 2007);

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.

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,

A handwritten signature in black ink, reading "Julie M. Kearney". The signature is fluid and cursive, with a long horizontal flourish extending to the right. Below the signature is a solid horizontal line.

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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 Orange Broadband Operating Company, LLC and Carolina Broadband, 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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