

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

In the Matter of)	
)	
Millennium Telecom, LLC d/b/a OneSource Communications)	CS Docket No. 97-80
)	
)	CSR-7129-Z
Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1))	
)	

**Comments of the Consumer Electronics Association
on the Millennium Telecom Petition for Waiver
of 47 C.F.R. § 76.1204(a)(1)**

April 2, 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 Millennium Telecom should be denied. CEA hereby incorporates its comments on the San Bruno Cable and RCN requests for waiver, by reference.¹

As Millennium and other petitioners point out, small cable operators have no market influence over the monopoly vendors of digital set-top boxes.² Granting a waiver to Millennium, or even to all small operators, will not create any significant demand for

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).

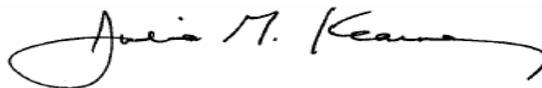
² *Millennium Telecom, Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, CS Docket No. 97-80, CSR-7129-Z, at 7 (Feb. 28, 2007) (“Millennium Petition”).

new integrated set-top boxes nor give those operators any additional leverage with vendors. The delay in implementing Section 76.1204(a)(1), and the ensuing cascade of waiver requests, has only added to the monopoly power of incumbent providers, the exact scenario that common reliance should have prevented. If a robust competitive market for navigation devices had existed today, Millennium and its customers would have had many options besides last-minute reliance on integrated set-top boxes.

Millennium attempts to link its deployment of digital service to the cessation of analog broadcasting on February 17, 2009³. As that date applies only to over-the-air broadcasting, cable subscribers will not be affected. Furthermore, the DCT-700 cannot tune digital broadcast channels, so Millennium's contention that a waiver will keep subscribers from losing service in two years does not make sense.

Cable operators like Millennium have now had nine years' notice of their impending obligations with regard to common reliance. Waivers at this late date will only prolong the absence of real competition in the navigation device market, leaving all cable operators with a dearth of options. The Commission should deny this request.

Respectfully submitted,



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³ *Id.*

CERTIFICATE OF SERVICE

I do hereby certify that on April 2, 2007 I caused a true and correct copy of the foregoing Comments of the Consumer Electronics Association on the Millennium Telecom Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) to be served via overnight mail on the following:

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