



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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APR - 4 2007
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DA 07-1560
Released: March 30, 2007

OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES A PETITION FOR WAIVER OF THE PART 15 DIGITAL TV RECEPTION REQUIREMENT FROM KOHLER CO. TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS

ET Docket No. 07-61

Comments Date: April 30, 2007

Reply Comments Date: May 15, 2007

On January 26, 2007, Kohler Co. (Kohler) filed a request for a temporary waiver of the March 1, 2007 deadline for compliance with the requirement in Part 15 of the Commission's rules that new broadcast television receivers include the capability to receive digital television signals (DTV tuner requirement). Kohler asks that this waiver be effective until January 1, 2008. The products for which Kohler requests this temporary waiver are bathroom mirrors with an optional television receiver integrated behind the mirror. Kohler submits that granting it this waiver would not compromise the Commission's goal of ensuring that consumers have the ability to view off-the-air DTV after the February 17, 2009 end of analog TV service. It submits that these products are specialized TV receivers intended as a bathroom accessory and consumers will most likely have a primary TV receiver in their residence which will be capable, or made capable, of receiving DTV signals.

The FCC's Office of Engineering and Technology ("OET") is reviewing the waiver request. OET has concluded that in order to develop a complete record on the issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The full text of the waiver request is available for inspection and copying during normal business hours in Room CY-A257, 445 12th Street, SW, Washington, D.C., and may also be purchased from the Commission's duplication contractor, Best Copy and Printing, Inc., (800) 378-3160.

By the Chief, Office of Engineering and Technology

Office of Engineering and Technology contact: Alan Stillwell at (202) 418-2925.