

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Petition of Electric Mirror, LLC )  
 ) ET Docket No. 07-62  
For Temporary Waiver of Section 15.117 )  
Of the Commission's Rules )  
 )

To: Chief, Office of Engineering and Technology

**COMMENTS OF ELECTRIC MIRROR, LLC**

Electric Mirror, LLC ("EMLLC"), by its attorneys, hereby submits these comments in response to the Commission's *Public Notice* in the above-captioned proceeding.<sup>1</sup> On February 28, 2007, EMLLC submitted a Petition for Waiver of Section 15.117 of the Commission's rules mandating inclusion of a DTV tuner in all receivers by March 1, 2007 (the "Petition").<sup>2</sup> EMLLC now submits these comments in support of the Petition. As detailed more fully in the Petition, grant of a brief six month waiver of the DTV tuner mandate would serve the public interest by providing EMLLC with the time required to implement DTV tuner technology in its line of highly specialized video systems, which are designed for -- and sold almost exclusively to -- hotels. A six-month waiver would facilitate the DTV transition and would place EMLLC in a similar position to other manufacturers of niche DTV receivers who have received longer twelve-month waivers.

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<sup>1</sup> Office of Engineering and Technology Declares a Petition for Waiver of the Part 15 Digital TV Reception Requirement From Electric Mirror, LLC To Be a "Permit-but-Disclose" Proceeding for *Ex Parte* Purposes and Requests Comments, DA 07-1561 (rel. Mar. 30, 2007).

<sup>2</sup> EMLLC hereby reiterates and incorporates by reference the legal arguments and factual statements made in the Peittion and accompanying Declaration of James Mischel.

The Commission's rules require all new broadcast television receivers with screens less than 25 inches to have a DTV tuner by March 1, 2007. During the three years prior to March 1, 2007, EMLLC manufactured and distributed mirrors with built-in televisions designed specifically for hotels to use as part of their closed-circuit video systems. These products, which provide almost half of EMLLC's annual revenue, contain ultra-thin LCD-TV screens no more than one inch thick integrated into a mirror. Due to the extraordinary thinness of these screens, EMLLC has had great difficulties in obtaining from third parties the components necessary to meet the Commission's March 1, 2007 deadline.

Absent waiver, EMLLC must comply with the March 1, 2007 deadline. As the Commission has repeatedly recognized, a "rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis."<sup>3</sup> In this case, applying the March 1 deadline to EMLLC would disserve the public interest by impeding EMLLC's ability to deliver its unique product to its customers in the hotel industry and would impose significant burdens on the public and on EMLLC without any offsetting benefits.

As detailed more fully in the Petition, EMLLC does not generally sell its highly specialized products to individual consumers; virtually all customers for these systems have been hotels. EMLLC understands that because these hotel customers control their own video systems, they will continue to be able to utilize existing EMLLC units even after the end of the DTV transition. Despite its diligent efforts, EMLLC has been unable to complete the process with its

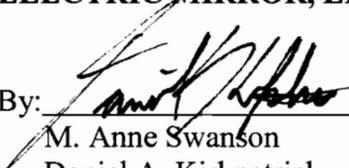
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<sup>3</sup> *Request for Waiver of the Decision of the Universal Service Administrator by Douglas-Omaha Tech. Comm'n, Omaha, Nebraska*, Order, 21 FCC Rcd 9277, 9279 (2006). See also *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

equipment suppliers of bringing its systems into compliance with the requirements of Section 15.117. Without a waiver, EMLLC is unable to provide any new or replacement units to its hotel customers, who in turn are unable to provide these amenities to their guests. A short-term waiver of the deadline would allow EMLLC to continue to supply replacement units to its customers as it concludes the process of implementing tuner technology in its mirror devices.

Grant of the requested waiver also would not defeat the purposes of the rule. As noted previously, EMLLC's units virtually always receive their programming from a central unit in a system managed by a hotel, and EMLLC is not aware of any hotel customer utilizing an over-the-air reception device in connection with these systems. The Commission previously has granted one-year extensions of the DTV tuner deadline to other manufacturers and distributors of specialty equipment, and in so doing has recognized the difficulties of meeting the specialized needs of niche markets, particularly in light of the fact that component suppliers have not focused on these niche markets. For the reasons detailed herein and in the Petition, EMLLC reiterates its request for a brief six-month waiver of the DTV tuner requirement and submits that such a waiver would serve the public interest.

Respectfully submitted,  
**ELECTRIC MIRROR, LLC**

By: 

M. Anne Swanson  
Daniel A. Kirkpatrick

DOW LOHNES PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036  
(202) 776-2000  
Its Attorneys

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