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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In the Matter of)	
Requests for Waiver of)	
47 C.F.R. § 76.1204(a)(1))	CS Docket No. 97-80
)	
WideOpenWest Finance, LLC)	CSR-7139-2
Winnebago Telephone	)	CSR-7140-Z
City of Tacoma d/b/a Click! Network	)	CSR-7141-Z
Radcliffe Telephone Company	)	CSR-7142-Z
South Slope Telephone Cooperative	)	CSR-7143-Z
Cable & Communications Corp./Mid-Rivers	)	CSR-7144/7145-Z
Farmers' and Business Mens' Telephone	)	CSR-7146-Z
Dumont Telephone Co.	)	CSR-7147-2
Heart of Iowa Communications Cooperative	)	CSR-7148-Z
Kalona Cooperative Telephone Co.	)	CSR-7149-2
CTC Video Services, LLC	)	CSR-7176-2
West Liberty Telephone Company	)	CSR-7177-2
CenturyTel TeleVideo, Inc.	)	CSR-7178-Z
Local Internet Service Company	)	CSR-7182-2
En-Touch Systems, Inc.	)	CSR-7183-2
Mahaska Communications Group	)	CSR-7184-2
Qwest Communications International Inc.)	CSR-7185-2

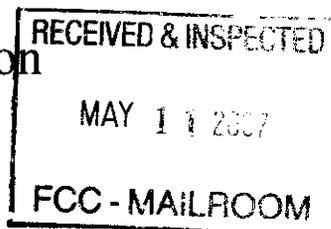
COMMENTS OF MOTOROLA, INC.

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Mahaska Communications Group)	CSR-7184-2
Qwest Communications International Inc.)	CSR-7185-2

COMMENTS OF MOTOROLA, INC.

Motorola, Inc. (“Motorola”) hereby submits these comments in response to the Media Bureau’s Public Notice in the above-captioned proceedings.¹ These 17 petitioners have filed separate requests for waiver of the Commission’s integration ban rule for set-top **boxes** manufactured by Motorola and other companies (“Waiver Requests”).¹ Motorola strongly

¹ See Public Notice, Special Relief and Show Cause Petitions, Report No. 0202 (Mar. 13, 2007).
See In the *Matter of WideOpen Wesr Finance, LLC’s Request for Waiver of 47 C.F.R. § 76.1204(a)(1), Request for Waiver*, CSR-7139-Z, CS Dkt. No. 97-80 (Feb. 28, 2007) (“WOW Waiver”) (requesting temporary waiver for Cisco/Scientific-Atlanta and Pace boxes); *In the Matter of Winnebago Cooperative Telephone Association’s Petition for Waiver of 47 C.F.R. § 76.1204(a)(1), Petition for Waiver*, CSR-7140-2, CS Dkt. No. 97-80 (Mar. 5, 2007) (“Winnebago Waiver”) (requesting temporary waiver for Widevine-enabled boxes); *In the Marrer* (footnote continued...)

supports these Waiver Requests and urges the Commission to give prompt approval to the requests for the reasons set forth below and those identified in the Waiver Requests.

City of Tacoma, En-Touch, C&CC/Mid-Rivers, and CenturyTel Waiver Requests

The Waiver Requests filed by City of Tacoma, En-Touch, C&CC/Mid-Rivers, and CenturyTel primarily cover limited-capability **set-top** boxes that have been or continue to be

(...footnote continued)

of City of Tacoma's Emergency Petition for Waiver of 47 C.F.R. § 76.1204(a)(1), Emergency Petition for Waiver, CSR-7141-Z, CS Dkt. No. 97-80 (Mar. 7, 2007) ("Tacoma Waiver") (requesting temporary waiver for DCT-700); *In the Matter of Radcliffe Telephone Company's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7142-Z, CS Dkt. No. 97-80 (Mar. 12, 2007) ("Radcliffe Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of South Slope Telephone Cooperative's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7143-Z, CS Dkt. No. 97-80 (Mar. 12, 2007) ("South Slope Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of Cable & Communications Corporation and Mid-Rivers Telephone Cooperative, Inc.'s Request for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Request for Waiver, CSR-7144-Z, CSR-7145-Z, CS Dkt. No. 97-80 (Mar. 12, 2007) ("C&CC/Mid-Rivers Waiver") (requesting temporary waiver for DSR-470, DCT-6412, DCT-6416, DCT-2000, and DCT-2500 boxes); *In the Matter of Farmers' and Business Mens' Telephone Co.'s Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7146-Z, CS Dkt. No. 97-80 (Mar. 12, 2007) ("F&B Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of Dumont Telephone Company's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7147-Z, CS Dkt. No. 97-80 (Mar. 12, 2007) ("Dumont Waiver") (requesting temporary waiver for boxes that use Nagravision smartcard); *In the Matter of Heart of Iowa Communications Cooperative's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7148-Z, CS Dkt. No. 97-80 (Mar. 8, 2007) ("Heart of Iowa Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of Kalona Cooperative Telephone Co.'s Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7149-Z, CS Dkt. No. 97-80 (Mar. 1, 2007) ("Kalona Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of CTC Video Services, LLC's Request for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Request for Waiver, CSR-7176-Z, CS Dkt. No. 97-80 (Mar. 22, 2007) ("CTC Waiver") (requesting temporary waiver for Cisco/Scientific-Atlanta boxes); *In the Matter of West Liberty Tel. Co.'s Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7177-Z, CS Dkt. No. 97-80 (Mar. 13, 2007) ("West Liberty Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of CenturyTel Inc.'s Request for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Request for Waiver, CSR-7178-Z, CS Dkt. No. 97-80 (Mar. 9, 2007) ("CenturyTel Waiver") (requesting temporary waiver for DSR-470 and DCT-2000); *In the Matter of Local Internet Service Company's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7182-Z, CS Dkt. No. 07-80 (Apr. 2, 2007) ("LIS Waiver") (requesting temporary waiver for Widevine-enabled boxes and boxes using Nagravision smartcards); *In the Matter of En-Touch Systems, Inc.'s Request for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Request for Waiver, CSR-7183-Z, CS Dkt. No. 97-80 (Mar. 28, 2007) ("En-Touch Waiver") (requesting temporary waiver for DCT-700); *In the Matter of Mahaska Communication Group, LLC's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CSR-7184-Z, CS Dkt. No. 97-80 (Mar. 5, 2007) ("Mahaska Waiver") (requesting temporary waiver for Widevine-enabled boxes); *In the Matter of Qwest Communications International Inc.'s Petition for Waivers of 47 C.F.R. § 76.1204(a)(1)*, Petition for Waivers, CSR-7185-Z, CS Dkt. No. 97-80 (Feb. 9, 2007) ("Qwest Waiver") (requesting waiver for Motorola's RG-3000 and RG-2200 and various Cisco/Scientific-Atlanta boxes).

manufactured by Motorola, including: (1) the DCT-700; (2) the DCT-2000; (3) the DCT-2500; and (4) the DSR-470. **As** detailed in these four Waiver Requests:

- The DCT-700 includes a single digital tuner, an RF output and a composite video output, and right and **left** audio channel outputs.’
- The DCT-2000 and DCT-2500 include this basic functionality **plus** an analog tuner.⁴ Motorola no longer manufactures the DCT-2000, but continues to manufacture the DCT-2500.⁵
- **The** DSR-470 is a specialized box deployed in Quick Take systems that includes digital and analog tuners and simple **outputs**.⁶ Motorola no longer manufactures the DSR-470.⁷

These devices allow cable customers with analog television sets to access digitally-delivered programming and services (such as pay-per-view programming and an electronic program guide), as well as closed captioning, parental controls, and emergency alert messages. None of

³ See, e.g., Tacoma Waiver at Ex. 1 (detailing capabilities of DCT-700); En-Touch Waiver at Ex. **A** (same).

⁴ See, e.g., CenturyTel Waiver at **5** & Ex. B (detailing capabilities of DCT-2000); C&CC/Mid-Rivers Waiver at **5** (referencing deployment of DCT-2000 and DCT-2500); *see also* <http://broadband.motorola.com/consumers/products/dct2500/> (describing functionality of **DCT-2500e**, the current version of the DCT-2500 set-top box).

⁵ CenturyTel and C&CC/Mid-Rivers would like to continue to deploy previously used or refurbished DCT-2000 boxes. See CenturyTel Waiver at **5**; C&CC/Mid-Rivers Waiver at **5**. Such an approach would be consistent with Commission rules and precedent. See *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, Order on Reconsideration, 14 FCC Rcd. 7596 ¶ 35 (1999) (stating that integration ban rule is not “intended to render equipment obsolete that has already been manufactured and deployed and still has a useful life”); *see also* **Adams** Cable Equipment **Ex Parte**, filed in CS Dkt. No. 97-80, at 3 (Apr. 18, 2007) (detailing Commission precedent regarding the treatment of refurbished equipment). Thus, with respect to any DCT-2000, DCT-2500, or other boxes referenced in these Waiver Requests that have been placed in service prior to July 1, 2007, no waiver is needed.

⁶ See, e.g., CenturyTel Waiver at Ex. A (detailing capabilities of the DSR-470). Quick Take was developed by Motorola and Comcast Media Center (then **known** as Headend-in-the-Sky, or HITS) as a satellite overlay service for small analog cable systems and other MVPDs to deliver 180 or more channels of digital programming without requiring an expensive system upgrade. Under the Quick Take system architecture, digital signals are delivered by Comcast Media Center to special transcoding equipment at the operator’s headend. There, the digital signals are combined with the system’s existing analog signals and then delivered via coaxial cable to a specialized Motorola set-top box (*i.e.*, DSR-470) in the customer’s home. The DSR-470 accepts program signals, authorization, and control commands like a DBS receiver and also includes cable tuning capability.

⁷ Deploying previously used or refurbished DSR-470 boxes would be consistent with Commission **rules** and precedent and would not require a waiver. See *supra* note 5.

these devices supports high-definition (“HD”) programming, digital video recording (“DVR”), Internet access, or other advanced capabilities. These boxes are among the lowest-cost, most limited-capability devices ever built by Motorola for U.S. cable operators.⁸

The DCT-700 is deployed in digital cable systems that simulcast analog channels in digital; hence, this device can rely exclusively on a digital tuner to access programming services carried in those systems. In contrast, the DCT-2000 and DCT-2500 are typically used in cable systems that have yet to make the conversion to all-digital simulcasting (and will not do so prior to the effective date of the integration ban). Rather, in those systems, programming services are carried in either analog or digital, *so* the low-cost set-top box must include both an analog and digital tuner to access those services. The DSR-470 similarly tunes analog and digital signals, although, as noted above, the Quick Take systems, which utilize the DSR-470, differ fundamentally from conventional digital cable systems (*i.e.*, Quick Take systems are essentially analog systems with a digital satellite overlay).⁹

The DCT-700 and the other limited-capability boxes provide an affordable way for millions of cable customers to access a wide array of digital programming and services, and have been popular with cable customers.” Waiver petitioners underscore the importance of these boxes to transitioning their customers to digital and migrating their systems to all-digital

⁸ **The Commission expressly invited waiver requests for low-cost, limited-capability set-top boxes in its 2005 Order. See *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices, Second Report & Order*, 20 FCC Rcd. 6794 ¶ 37 (2005) (“2005 Integration Ban Order”).**

⁹ **While the DCT-2000, DCT-2500, and DSR-470 include a digital tuner and an analog tuner, none of these boxes is capable of simultaneously tuning multiple channels of video programming (*i.e.*, for the support of picture-in-picture features), further underscoring their limited capability.**

¹⁰ **See, e.g., Motorola Comments, filed in CSR-7109-Z *et al.*, CS Dkt. No. 97-80, at 3 (Mar. 5, 2007) (describing success of DCT-700 and DCT-2500).**

networks.” This transition to digital will facilitate the recapture of analog spectrum for more HD channels, faster Internet access, and other video and non-video services consumers want and value, and enable these cable operators to compete more effectively against DBS and other all-digital platforms.¹²

In contrast, failure to grant the Waiver Requests will derail these operators’ current digital plans and impose additional costs on consumers.¹³ For example, with respect to the DCT-700, the simple fact is that this low-cost, limited-capability box cannot accommodate the CableCARD; rather, an entirely different set-top box, with a larger chassis, greater power supply, and a redesign of the motherboard, among other things, is required.¹⁴ These modifications plus the CableCARD add significantly to the overall cost of the set-top box. Consequently, and in

¹¹ See C&CC/Mid-Rivers Waiver at 4-5; CenturyTel Waiver at 4; Tacoma Waiver at 2; En-Touch Waiver at 2-3. In its BendBroadband waiver order, the Media Bureau acknowledged the importance of the DCT-700 to cable’s transition efforts. See *In the Matter of BendBroadband’s Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, Mem. Opin. & Order, 22 FCC Rcd. 209 ¶ 24 (2007) (“*BendBroadband Waiver Order*”) (recognizing that conditional grant of a waiver for the DCT-700 would “facilitate BendBroadband’s rapid transition to an all-digital network (i.e., by 2008)”; see also *2005 Integration Ban Order* ¶ 37 (“The availability of low-cost boxes will further the cable industry’s migration to all-digital networks . . .”).

¹² Relying on the waiver standard articulated in the Bureau’s *BendBroadband Waiver Order* (¶ 24), En-Touch and City of Tacoma are seeking temporary waivers so that they can complete their transitions to all-digital networks before February 17, 2009, the transition date deemed presumptively reasonable in the *BendBroadband Waiver Order*. En-Touch commits to completing its transition to all-digital by March 31, 2008 and City of Tacoma indicates that its transition will be finished for the overwhelming majority of its subscribers by October 31, 2008, provided their respective Waiver Requests are granted. See En-Touch Waiver at 1; Tacoma Waiver at 3 (noting that the City of Tacoma will convert all but approximately 1,000 predominantly elderly subscribers, who will continue to receive analog Lifeline service). See also C&CC/Mid-Rivers Waiver at 2 (seeking 18 month waiver); CenturyTel Waiver at 1 (seeking waiver until February 17, 2009).

¹³ See C&CC/Mid-Rivers Waiver at 2; CenturyTel Waiver at 5; Tacoma Waiver at 4-5; En-Touch Waiver at 2. C&CC/Mid-Rivers and CenturyTel would also confront the added costs of upgrading their legacy Quick Take systems to support CableCARD-enabled devices. See C&CC/Mid-Rivers Waiver at 5-6; CenturyTel Waiver at 4-5. These systems have the option of deploying Motorola’s Quick Take Plus or National Authorization Service-Regional Access Controller (“NAS-RAC”) solutions -- either of which will provide support for digital set-top boxes or retail cable-ready equipment that utilize CableCARDs, but for some of these small systems any additional system costs are difficult to hear.

¹⁴ See, e.g., Motorola Comments, filed in CSR-7129-Z *et al.*, CS Dkt. No. 97-80, at 3 (Apr. 2, 2007); Motorola Comments, filed in CSR-7109-Z *et al.*, CS Dkt. No. 97-80, at 4 (Mar. 5, 2007); Motorola Comments, filed in CSR-7012-Z, CS Dkt. No. 97-80, at 3 (Feb. 14, 2007); Motorola Comments, filed in CSR-7012-Z, CS Dkt. No. 97-80, at 4 (June 15, 2006).

recognition of the lack of marketplace demand for higher cost boxes with only limited features, the current lowest-cost CableCARD-enabled set-top box Motorola is manufacturing -- the DCH-100 -- will cost substantially more than the DCT-700, even in higher volumes.”

Motorola is not alone in describing this marketplace reality as Pace and Cisco have also filed comments in this docket about the prohibitive costs and impracticability of incorporating CableCard technology into their low-cost set-top boxes.¹⁶ Furthermore, as other commenters in this docket have noted, the CableCARD requirement will have significant cost impacts on *all* digital set-top boxes, not merely low-cost boxes.” These added costs -- and the circumstances surrounding the digital transition plans of these particular waiver applicants -- justify grant of the time-limited waivers for any higher-end set-top box covered by the Waiver Requests, such as the DCT-6412 and DCT-6416.¹⁸

The waiver petitioners emphasize the real-world negative effects that denial of their waivers would have on their digital transition plans. For example, the City of Tacoma explains

¹⁵ Likewise, these operators will incur significant CableCARD-related costs in the absence of waivers for the DCT-2000, DCT-2500, and DSR-470. *See* CenturyTel Waiver at 5; C&CC/Mid-Rivers at 6.

¹⁶ *See, e.g.*, Pace Comments, filed in CSR-7012-Z, CS Dkt. No. 97-80, at 3 (Feb. 14, 2007); Cisco Comments, filed in CSR-7012-Z, CS Dkt. No. 97-80, at 2 (Feb. 14, 2007).

¹⁷ *See In the Matter of NCTA's Request for Waiver of the Set-Top Box Integration Ban, 47 C.F.R. § 76.1204(a)(1)*, Request for Waiver, CS Dkt. No. 97-80, CSR-7056-Z, at 7-8 (Aug. 16, 2006) (“The cable industry has estimated that the re-engineering required to enable their leased devices to work with CableCARDs would add approximately \$72-93 per box -- which translates into two or three dollars more in monthly lease charges to consumers -- and that the direct cost to the cable industry to implement the CableCARD would exceed \$500 million per year.”); *see also In the Matter of Verizon's Petition for Waiver of the Set-Top Box Integration Ban, 47 C.F.R. § 76.1204(a)(1)*, Petition for Waiver, CS Dkt. No. 97-80, CSR-7042-Z, at 15 and Whitton Decl. ¶ 11 (Aug. 8, 2006) (noting that CableCARD requirement would add upwards of \$95 to the wholesale price of the device -- \$25 for CableCARD-components in the set-top box and an additional \$50-70 for the CableCARD itself).

¹⁸ As noted, *supra* note 2, the C&CC/Mid-Rivers Waiver covers limited-capability boxes (*i.e.*, the DSR-470, DCT-2000, and DCT-2500) as well as boxes with HD and DVR functionality (*i.e.*, the DCT-6412 and DCT-6416). *See, e.g.*, <http://broadband.motorola.com/consumers/products/dct6412/default.asp> (describing functionality of DCT-6412). The higher costs associated with the CableCARD also justify grant of the waivers filed by WideOpenWest and CTC Video Services (which cover boxes manufactured by Cisco/Scientific-Atlanta and Pace). *See* WideOpenWest Waiver at 5 n.6; CTC Waiver at 7.

that: “If The City has no choice but to deploy Motorola DCH-I 00s after the July 1, 2007 deadline, it will not have the funding to complete its digital transition and will be prevented from reclaiming the much-needed analog spectrum.”¹⁹ Likewise, CenturyTel notes that its customers are “price sensitive” and that “[c]ost increases of this magnitude would undermine CenturyTel’s ability to transition its customers to digital cable.”²⁰ And according to C&CC/Mid-Rivers, absorption of CableCARD-related costs “likely will delay the introduction of digital programming services throughout the service area, and undermine C&CC’s competitive position with satellite video programming providers.””

In short, grant of the waivers for the above-referenced boxes and applicants makes eminent sense in that the consumer value of these existing boxes is significant, and the costs that would be caused by waiver denial would far outweigh any benefits.

Qwest and Rural Telco Waiver Requests

Motorola also supports the requests for waiver of the integration ban filed by Qwest and certain Iowa-based rural telco video providers.” These providers deliver a switched digital video service to customers over a DSL-based platform.²³ Motorola is a leading provider of such DSL-based video solutions, including the VDSL-based video service used by Qwest in some of its systems and Kalona Cooperative Telephone. Qwest, for example, has specifically asked **for**

¹⁹ Tacoma Waiver at 5

²⁰ CenturyTel Waiver at 6.

²¹ C&CC/Mid-Rivers at 2.

²² The telco-related waiver requests referenced here include those tiled by Qwest and 10 Iowa rural telcos (Kalona, Mahaska, Winnebago, Heart of Iowa, Dumont, South Slope, F&B, Radcliffe, West Liberty, and LIS).

²³ Unlike traditional cable television systems, which broadcast programming channels into every home, a system using switched digital video typically delivers one to three channels to a home at any given time. Under this switched video architecture, only the specific channel that a customer has requested to watch is sent to the customer’s set-top box. See Qwest Waiver at 7-8.

waiver of the integration ban for two Residential Gateway (“RG”) set-top boxes manufactured by Motorola: the RG-3000, a switched digital video-based device that enables a single stream of SD or HD video service; and the RG-2200, a switched digital video-based device that enables three streams of SD video as well as high-speed Internet service.²⁴ Kalona deploys similar RG devices to its video customers.²⁵

There is some uncertainty as to whether these RG devices even raise compliance issues with the integration ban, given the unique characteristics of the devices and the DSL-based platforms in which they operate. For example, the RG devices deployed by Kalona support Widevine downloadable security, and Widevine has recently advised the Commission that, “[w]ith respect to the Commission’s mandate of ‘common reliance,’ Widevine’s solutions have been generally available for worldwide licensing to any operator and consumer device manufacturer on a reasonable and non-discriminatory manner for years while utilizing industry standards for encryption.”²⁶ In light of the foregoing, Motorola believes the rules under 47 C.F.R. § 1204(a) and relevant definitions could support a Commission interpretation that the RG devices already comply with the ban. To the extent waiver is required, however, Motorola supports the requests that have been filed by these and other telco video providers

²⁴ See *id.* at 4; see also <http://www.motorola.com/content.jsp?globalObjectId=6603-8675-9226> (describing functionality of RG-3000); <http://www.motorola.com/content.jsp?globalObjectId=5542-8675-8684> (describing functionality of RG-2200). The Motorola solution enables providers to deliver the “triple play” of telephony, high-speed Internet, and digital video entertainment services through one common platform using xDSL applications. See <http://www.motorola.com/content.jsp?globalObjectId=5544-8675>.

²⁵ Motorola is also supporting the Waiver Requests filed by the other nine Iowa rural telcos, which use non-Motorola solutions for their DSL-based video platforms.

²⁶ Widevine Technologies *Ex Parte*, CS Dkt. No. 97-80, at 2 (filed Apr. 10, 2007); see also Kalona Waiver at 5 (noting that “the Widevine solution may comply with the integration ban requirement to provide security that is separable from the navigation device”). Qwest also explains that the RG devices might already comply with the integration ban because “control of conditional access in the VDSL-based switched digital video system resides in the system outside of the set-top box.” Qwest Waiver at 3 n.4.

Grant of the waivers is justified based on the special circumstances surrounding **these** telco video systems. The Motorola DSL-based video solution is, as Qwest notes, “a breakthrough, first-generation delivery system” initially designed in the late 1990s to maximize efficiencies and optimal performance for telco **customers**.²⁷ This and similar DSL-based solutions were not designed to support third-party hardware configurations:²⁸ nor are there any current plans to build such capabilities into legacy **equipment**.²⁹ Furthermore, there is no “market incentive for others to develop new set-top boxes compatible with this particular delivery system,” especially given the fact that DSL-based video networks comprise a very small percentage of the MVPD **marketplace**.³⁰

Denial of the waiver requests, in contrast, will have clear public interest harms for Qwest, Kalona, and other telco video providers. **As** an initial matter, failure to grant waivers would limit the ability of these providers to expand their services to new customers since they could no longer deploy new RG devices after the integration ban, and no alternative boxes are available for **use**.³¹ It would also force the diversion of resources toward solutions for product lines that are being retired, rather than toward the development and deployment **of** next-generation solutions for these platforms. In this regard, Qwest notes that it intends to migrate away from the

²⁷ Qwest Waiver at 2. Qwest began offering VDSL-based video services in 1998. *See id.* at 4

²⁸ In addition, the CableCARD, which was developed for use in QAM-based cable systems, will not work on DSL-based platforms. *See id.* at 8.

²⁹ In 2006, Motorola discontinued further development on **the** current RG product line. The product line is still supported, but the engineering development team needed to perform any significant feature development was redeployed in 2006 to other initiatives.

³⁰ Qwest Waiver at 6; *see also id.* at 9 (noting that there are approximately 225,000 VDSL-based boxes deployed today); *see also id.* at 10 (“VDSL is a first-generation delivery system for enabling switched digital video services over copper wires that is now being eclipsed by industry efforts to move to a standardized logical layer for delivering switched digital video services.”).

³¹ *See id.* at 13; Kalona Waiver at 7.

use of legacy RG boxes in the next few years to “a more standardized, next-generation delivery system for offering switched digital video services.”” Failure to grant the waivers would significantly impair the development and introduction of such new and improved services, contrary to the waiver standard set forth in the navigation device statute and the Commission’s rules.³³

For the foregoing reasons, and those set forth in the Waiver Requests, Motorola respectfully asks that the Commission approve these requests **for** waiver **of** the integration ban.

Respectfully submitted,

/s/ Steve B. Sharkey

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³² Qwest Waiver at 10. Motorola is also developing solutions that provide greater equipment and service options for DSL-based platforms. For example, Motorola recently introduced the Motorola IP Exchange (“MIPX”) product -- a home gateway that acts as an intermediary device between third-party IP devices (e.g., an IP set-top) and network elements using a standard interface.

³³ See 47 U.S.C. §549(c) (providing for waiver where “necessary to assist the development or introduction of a new or improved multichannel video programming or other service offered over multichannel video programming systems, technology, or products”); 47 C.F.R. § 16.1207 (same).

CERTIFICATE OF SERVICE

I, Steve B. Sharkey, hereby certify that, on May 3, 2007, copies of the attached Comments of Motorola, Inc. were served via regular mail, on the following:

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