

May 17, 2007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte*: In the Matter of Comcast Corporation's Request for Waiver of 47 C.F.R. § 76.1204(a)(1), CSR-7012-Z, CS Docket No. 97-80.

Dear Ms. Dortch:

On May 16, 2007, Jim Coltharp, Chief Policy Advisor for FCC & Regulatory Policy at Comcast Corporation, Jim Casserly, Willkie Farr & Gallagher LLP, and the undersigned met with Monica Desai, Steve Broeckaert, and Brendan Murray of the Media Bureau and, separately, with Sam Feder, Matthew Berry, Susan Aaron, and Joel Kaufman of the Office of General Counsel, to discuss Comcast's waiver request in the above-captioned proceedings as well as provide background on the Commission's prior statements in its *2005 Integration Ban Order* and subsequent statements to the D.C. Circuit regarding waivers for low-cost, limited-capability set-top boxes.

The attached handouts were distributed at the meetings. The first handout summarizes the information and arguments that were presented in the discussions. The second handout includes prior Commission statements on low-cost, limited-capability set-top boxes. The third handout details the 45 waiver requests that have been filed thus far -- more than half of which cover the DCT-700 and/or similar low-cost, limited-capability set-top boxes.

Reference was also made during the meetings to congressional support for waivers of the integration ban. Attached for the record are four such letters.

Marlene H. Dortch
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Kindly direct any questions regarding this matter to my attention.

Sincerely,

/s/ Jonathan Friedman
Jonathan Friedman
Counsel for Comcast Corporation

Attachments

cc: Monica Desai
Steve Broeckaert
Brendan Murray
Sam Feder
Matthew Berry
Susan Aaron
Joel Kaufman

**THE FCC'S MEDIA BUREAU REFUSAL TO GRANT THE COMCAST WAIVER FOR
LOW-COST-SET-TOP BOXES IMPOSES UNNECESSARY COSTS ON CONSUMERS.
IMMEDIATE CORRECTIVE ACTION IS REQUIRED.**

The Bureau flouted the FCC's guidance about preserving a low-cost set-top box option for consumers.

- In a 2005 Order, all five FCC Commissioners agreed that the availability of low-cost set-top box options for consumers “should *not* [be] displace[d].” They recognized that the continued availability of low-cost boxes was “critical” and expressly invited requests for waivers of the integration ban to achieve that. Their counsel assured three federal judges that the FCC had “promised to mitigate” the harms of applying the integration ban to low-cost boxes.
- Relying on what the FCC said, Comcast sought a waiver for three models of low-cost boxes that fit FCC's guidance to a “T.” They are the lowest cost, most limited capability digital set-top boxes that have ever been built. They provide a cost-effective way for consumers to access digital programming and other services, including parental controls, a program guide, and video-on-demand services. They also will help Comcast to accelerate its transition to an all-digital network.
- But the FCC Media Bureau Chief did not follow the guidance in the 2005 Order. Acting on authority purportedly delegated by the Commission, the Bureau issued a decision that eliminates a pro-consumer option that the Commission intended to preserve. *Incredibly, although concern over consumer costs was the touchstone of the Commission's 2005 Order, the Bureau decision did not even discuss it.* The Bureau ignored record evidence that imposing a CableCARD requirement on low-cost boxes will cost consumers an estimated \$200-300 million per year.

The Bureau violated the pro-innovation waiver standard in Section 629(c) of the Communications Act.

- Congress instructed the FCC that any navigation device rule that hinders innovation must be waived. The Bureau arbitrarily decided to construe this Congressional directive “narrowly,” ignored substantial evidence from consumer groups, CE companies, and others that the waiver would promote new and improved services for consumers, and failed to act on the waiver request for 266 days (despite the statutory requirement for action on waiver requests within 90 days).
- The Bureau also arbitrarily decided that waivers under the 2005 Order should be limited to one-way devices. Consumers have no interest in using one-way boxes, manufacturers have no interest in building them, and Comcast and other operators have no interest in deploying them. It is senseless to deprive consumers of a low-cost way to access interactive services, especially when two-way services like VOD are crucial to driving demand for digital.

The Bureau adopted new policies that conflict with law and policy set by Congress and the FCC.

- The Bureau unilaterally determined that the FCC's waiver policy should be premised on cable operators discontinuing their delivery of analog signals by February 2009 (when most analog TV broadcasting will cease). This is not FCC policy, and it would increase consumer disruption and expense. Perversely, the Bureau decision will *slow* Comcast's transition to digital.
- The Bureau made up new policies regarding pricing and packaging of new programming tiers, deciding -- contrary to the Communications Act and the Constitution -- that low-cost boxes can have waivers only if they are used to access certain services that are marketed in certain ways.

Comcast has made a strong pro-consumer case for its waiver request. The FCC should grant the waiver without further delay.

FCC STATEMENTS REGARDING LOW-COST, LIMITED-CAPABILITY SET-TOP BOXES

2005 Integration Ban Order (March 17, 2005)

“We are also in agreement with NCTA’s assertion that achieving consumer choice by establishing a competitive market should not displace a low-cost set-top box option for MVPD subscribers. It is critical to the DTV transition that consumers have access to inexpensive digital set-top boxes that will permit the viewing of digital programming on analog television sets both during and after the transition. The availability of low-cost boxes will further the cable industry’s migration to all-digital networks, thereby freeing up spectrum and increasing service offerings such as high-definition television. Accordingly, as cable systems migrate to all-digital networks, we will also consider whether low-cost, limited capability boxes should be subject to the integration ban or whether cable operators should be permitted to offer such low-cost, limited capability boxes on an integrated basis. We are inclined to believe that provision of such devices by cable operators will not endanger the development of the competitive marketplace envisioned in Section 629, particularly because the more advanced devices offered by cable operators for primary home use will be required to rely on the same CableCARD technology as devices offered at retail by consumer electronics manufacturers. In the interim, we will entertain requests for waiver of the prohibition on integrated devices for limited capability integrated digital cable boxes. We do not believe that waiver will be warranted for devices that contain personal video recording (‘PVR’), high-definition, broadband Internet access, multiple tuner, or other similar advanced capabilities. Any request for waiver in this regard should include the full specifications for any device(s) for which waiver is sought.” *2005 Integration Ban Order* ¶ 37.

FCC Brief to D.C. Circuit (March 7, 2006)

“[T]he Commission promised to mitigate the potential short-term cost burdens of the integration ban by entertaining requests for waiver of the ban with respect to certain ‘low-cost, limited capability boxes.’” FCC Brief at 14, *Charter v. FCC*, No. 05-1237 (D.C. Cir. Mar. 7, 2006) (“FCC Brief”).

“[R]ecognizing the value of preserving a low-cost set-top box option for consumers, at least until volume usage of CableCARDS over time reduced the price of host devices, the Commission undertook to consider waivers of the integration ban with respect to limited capability set-top boxes (*e.g.*, boxes that do not contain capability for recording, display of high-definition programming, or broadband Internet access). The Commission determined that waivers for such boxes would benefit those cable subscribers most concerned about the cost of equipment, while maintaining the overall benefits of the integration ban with respect to boxes with more advanced capabilities (and therefore more likely to be the subject of a competitive market).” FCC Brief at 30.

“Among other reasons for preserving a low-cost set-top option, the Commission found that as programming increasingly is delivered in digital form and cable operators upgrade their facilities to all-digital networks, consumers must have access to inexpensive boxes that will ‘downconvert’ digitally delivered signals to analog format to permit viewing on analog television sets.” FCC Brief at note 28.

FCC Statements at Oral Argument to D.C. Circuit (May 11, 2006)

“The Commission, in other places in the order, for instance, it announced that it would receive waiver requests from cable companies that wanted to continue providing no frills, simple digital set-top boxes on an integrated basis. The Commission said it would be favorably inclined to view waiver requests for these boxes, as another way of controlling costs in this area, and, in fact, the Commission has already received such a waiver request from Comcast.” Oral Argument Transcript at 21, *Charter v. FCC*, No. 05-1237 (D.C. Cir. May 11, 2006).

Set-Top Box Waiver Requests: Status Report

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
1	Comcast ²	4/19/06	5/17/06	6/15/06; 6/30/06	1/10/07	266	Denial
2	Charter	7/14/06	8/29/06	9/18/06; 9/28/06	5/4/07	296	Grant for one year
3	Verizon	8/8/06	8/29/06	9/18/06; 9/28/06	No decision yet.	281	No decision yet.
4	NCTA	8/16/06	10/31/06	11/20/06; 12/11/06	No decision yet.	273	No decision yet.
5	BendBroadband	10/4/06	10/31/06	11/20/06; 12/15/06	1/10/07	98	Conditional grant
6	Armstrong Utilities	11/6/06	2/12/07	3/5/07; 3/21/07	No decision yet.	191	No decision yet.
7	Sunflower Broadband	11/20/06	2/12/07	3/5/07; 3/21/07	No decision yet.	177	No decision yet.

¹ Days elapsed are measured from the date of filing to the date of the Bureau decision or, where no decision has been made, from the date of filing to the date this chart was last updated (*i.e.*, 5/16/07). Column entries in bold indicate where the number of days elapsed exceeds the 90-day period for FCC determinations set forth in the Communications Act. *See* 47 U.S.C. 549(c) (“Upon an appropriate showing, the Commission shall grant any such waiver request within 90 days of any application filed under this subsection[.]”).

² Rows that are shaded indicate where the waiver request has been decided by the Media Bureau.

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
8	Cablevision	11/27/06	12/18/06	1/8/07; 1/9/07 ³	1/10/07	44	Grant for two years
9	RCN	12/5/06	2/12/07	3/5/07; 3/15/07	No decision yet.	162	No decision yet.
10	Suddenlink	12/5/06	2/12/07	3/5/07; 3/21/07	No decision yet.	162	No decision yet.
11	City of San Bruno	12/14/06	2/12/07	3/5/07; 3/15/07	No decision yet.	153	No decision yet.
12	NPG Cable	12/14/06	2/12/07	3/5/07; 3/21/07	No decision yet.	153	No decision yet.
13	Bresnan	12/19/06	2/12/07	3/5/07; 3/21/07	No decision yet.	148	No decision yet.
14	Atlantic Broadband	12/27/06	2/12/07	3/5/07; 3/21/07	No decision yet.	140	No decision yet.
15	Orange Broadband	12/27/06	2/12/07	3/5/07; 3/21/07	No decision yet.	140	No decision yet.

³ The Media Bureau's Public Notice set 1/18/07 as the reply date, but Cablevision filed its reply on 1/9/07 -- one day before the Bureau issued its order granting the waiver request.

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
16	Qwest	2/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	93	No decision yet.
17	Liberty Cablevision of Puerto Rico	2/14/07	2/27/07	3/19/07; 3/29/07	No decision yet.	91	No decision yet.
18	GCI Cable	2/16/07	3/13/07	4/2/07; 4/12/07	5/4/07	77	Conditional grant
19	JetBroadband	2/22/07	3/13/07	4/2/07; 4/12/07	No decision yet.	83	No decision yet.
20	WideOpenWest	2/28/07	4/13/07	5/3/07; 5/14/07	No decision yet.	77	No decision yet.
21	Kalona	3/1/07	4/13/07	5/3/07; 5/14/07	No decision yet	76	No decision yet.
22	Millennium (One Source)	3/1/07	3/13/07	4/2/07; 4/12/07	5/4/07	64	Conditional grant
23	Mahaska	3/5/07	4/13/07	5/3/07; 5/14/07	No decision yet	72	No decision yet.
24	Winnebago	3/5/07	4/13/07	5/3/07; 5/14/07	No decision yet	72	No decision yet.

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
25	City of Tacoma	3/7/07	4/13/07	5/3/07; 5/14/07	No decision yet	70	No decision yet.
26	Heart of Iowa	3/8/07	4/13/07	5/3/07; 5/14/07	No decision yet	69	No decision yet.
27	CenturyTel	3/9/07	4/13/07	5/3/07; 5/14/07	No decision yet	68	No decision yet.
28	C&CC/Mid-Rivers Coop.	3/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	66	No decision yet.
29	Dumont	3/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	66	No decision yet.
30	Farmers' and Business Mens' Telephone	3/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	66	No decision yet.
31	South Slope	3/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	66	No decision yet.
32	Radcliffe	3/12/07	4/13/07	5/3/07; 5/14/07	No decision yet	66	No decision yet.
33	West Liberty	3/13/07	4/13/07	5/3/07; 5/14/07	No decision yet	65	No decision yet.

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
34	CTC	3/22/07	4/13/07	5/3/07; 5/14/07	No decision yet	55	No decision yet.
35	En-Touch	3/28/07	4/13/07	5/3/07; 5/14/07	No decision yet	49	No decision yet.
36	Local Internet Service	4/2/07	4/13/07	5/3/07; 5/14/07	No decision yet	44	No decision yet.
37	Knology	4/2/07	5/4/07	5/24/07; 6/4/07	No decision yet	44	No decision yet.
38	Guam Cablevision	4/2/07	5/4/07	5/24/07; 6/4/07	No decision yet	44	No decision yet.
39	Bernard Telephone	4/6/07	5/4/07	5/24/07; 6/4/07	No decision yet	40	No decision yet.
40	Rural ATM Digital Video Providers Group	4/9/07	No Public Notice yet.	No filing dates established yet.	No decision yet	37	No decision yet.
41	Choice Cable of Puerto Rico	4/24/07	No Public Notice yet.	No filing dates established yet.	No decision yet	22	No decision yet.
42	Delta Cable	4/26/07	No Public Notice yet.	No filing dates established yet.	No decision yet	20	No decision yet.

	Waiver Applicant	Date of Filing	Date of Public Notice	Dates of Comments/Replies	Date of Bureau Decision	Days Elapsed ¹	Description of Bureau Decision
43	Volcano Vision	5/3/07	No Public Notice yet.	No filing dates established yet.	No decision yet	13	No decision yet.
44	OPASTCO	5/4/07	No Public Notice yet.	No filing dates established yet.	No decision yet	12	No decision yet.
45	James Cable	5/11/07	No Public Notice yet.	No filing dates established yet.	No decision yet	5	No decision yet.

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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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CHAIRMAN

April 24, 2007

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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Martin:

Over the past few years it has become exceedingly apparent that the amount of competition in video, high speed Internet, and voice services is growing. Pro-competition policies are clearly working. The correct regulatory response, therefore, is to ensure free markets flourish, not to layer on additional, unnecessary, and burdensome regulations. We are disturbed that with respect to the cable industry, you appear to be making proposals that are leading the Commission precisely down the road of intrusive regulation when it is least justified.

For example, despite an earlier FCC staff report that *a la carte* regulations would reduce consumer choice and raise subscriber rates, as well as general rejection of the idea by economists and on Capitol Hill, you continue to advocate such regulation of cable operators' business models. You have advocated multicast must-carry, even though the FCC has already rejected it on more than one occasion because of policy and First Amendment concerns. You have expressed continued support for the integrated set-top box ban, which imposes additional costs without providing any benefits to consumers who are content to use a cable operator's set-top box. That point has repeatedly been made in wavier requests, a number of which the FCC Media Bureau has denied, but which the full Commission has yet to address.

While some of the statutory framework applicable to cable television is rooted in Communications Act provisions adopted in 1992 and 1996, when cable share of the multichannel video marketplace was much greater, the Commission has the authority—and the duty—to implement those provisions in a manner that reflects actual market conditions. Market conditions today bear little resemblance to those of 1992. According to FCC data, cable served 95.95 percent of the multichannel video programming distribution market in 1992. That dropped to 88.69 percent by 1996, and to 69.41 percent by 2005. By contrast, direct broadcast satellite share of MVPD homes has grown from non-existent in 1992 to 4.92 percent in 1996 to 27.72 percent in 2005. In light of this data, one would think that the need

Letter to Chairman Kevin Martin
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for cable regulation should be decreasing, not increasing. Recent FCC actions finding effective competition to cable in many areas of the country, with other effective competition petitions still pending, further support the conclusion that the need for regulation should be decreasing. This makes all the more peculiar some of your statements calling for increased regulation of the cable industry.

Moreover, thanks to your good efforts on broadband deregulation and video franchise reform, large telephone providers are getting into the video game. And yet, that very video franchise reform order did not extend the same deregulation to existing cable operators, handicapping them as compared to their competitors until consideration of the issue in an item still scheduled for the future. Our hope is that you address that issue shortly, and that you grant deregulatory parity so that all cable operators, large and small, can operate on a fair playing field in the highly competitive video market, which as we speak is also seeing entry by wireless providers and Internet streaming services.

We raised these concerns at the March 14, 2007, FCC oversight hearing. Yet since then, you continue to push *a la carte*. There are reports that you are contemplating re-imposing a 30-percent horizontal cable ownership cap despite a 2001 federal appeals court decision finding that the FCC failed to justify that very number. You appear to be once again trying to resurrect multicast must-carry by combining it with a leasing proposal. You also are reported to be circulating a dual carriage proposal, which the FCC has also rejected before on multiple occasions. Furthermore, reports indicate that the dual carriage proposal also implicates the deployment of cable set-top boxes into consumers' homes. That is something that not all consumers want, and a proposition made more expensive by the integrated set-top box ban, as discussed above. There are also suggestions that the dual carriage proposal may include tentative conclusions. Our hope is that if there must be yet another item seeking comments on dual carriage, it would do so in a neutral fashion, without suggesting conclusions in advance, and would consider a variety of options, as well as the implications of the integrated set-top box ban.

We respectfully request that you take our concerns into account as you continue your leadership at the FCC.

Sincerely,



Joe Barton
Ranking Member
Committee on Energy and Commerce



Fred Upton
Ranking Member
Committee on Telecommunications and the Internet

cc: Commissioner Michael J. Copps
Commissioner Jonathan Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Congress of the United States
Washington, DC 20510

November 27, 2006

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Martin:

Section 629 of the Communications Act, enacted in 1996, requires the Commission to promote the commercial availability of third-party set-top boxes and other consumer electronics equipment for use with multichannel video programming distribution (MVPD) systems, such as those of cable operators. Pursuant to this mandate, the Federal Communications Commission (the Commission) promulgated rules in 1998 requiring cable operators to make the security functions of their cable systems available in separable equipment which can be used with set-top boxes, televisions, and other devices offered by companies unaffiliated with the cable operators. To meet this obligation, cable operators currently make "CableCARDS" available that plug directly into the back of televisions and other consumer electronics devices for subscribers who do not wish to use the cable operators' set-top boxes.

The Commission's rules also prohibit cable operators from integrating security and non-security functions in their own set-top boxes after July 1, 2007. The intent of the ban on devices integrating both functions is to ensure the availability of reliable separable security equipment by forcing cable operators to use the same equipment themselves. The effect, however, would be to require all cable subscribers to use CableCARDS, even subscribers who prefer to use cable operators' integrated set-top boxes. In addition, such a requirement would increase costs without providing additional functionality to those subscribers. There must be a more effective way to ensure the availability of separable security for subscribers who wish to use third-party devices than foisting CableCARDS on all subscribers.

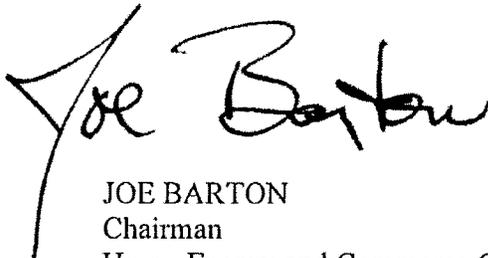
Difficulties in implementing the integration ban and rapid changes in technology have already led the Commission to delay the integration ban twice. The Commission extended the deadline to the current July 1, 2007 date to allow industry time to explore a more seamless and less expensive downloadable security solution. This solution would allow set-top boxes and other consumer electronics devices to download security automatically over a cable system rather than rely on physical CableCARDS that are

more expensive, more cumbersome to distribute, and more prone to malfunction. Cable operators, consumer electronics manufacturers, and the information technology industry have indicated that alternative solutions such as "downloadable security" are feasible. But they will require a little more time to fine tune and deploy.

Forcing a costly deployment of an outdated technology while another that offers more to consumers is just over the horizon is not good public policy. Rather than require universal use of CableCARDS by July 1, 2007, the Commission would better serve consumers if the agency would focus the industry's efforts on: 1) deploying downloadable security in a timely fashion; and 2) ensuring that subscribers who do not wish to rely on set-top boxes provided by their cable operators can access two-way, as well as one-way, cable services. In the meantime, subscribers who do not want to use set-top boxes provided by their cable operators would continue to be able to rely on CableCARDS.

The Commission has ample authority at its disposal to ensure that fully functional CableCARDS are available for subscribers who wish to use third-party devices. The Commission also has ample authority to establish a time frame for cable operators to develop and deploy "downloadable security." We look forward to working with the Commission as you consider this important issue.

With best wishes,



JOE BARTON
Chairman
House Energy and Commerce Committee

Sincerely,



TED STEVENS
Chairman
Senate Commerce Committee



FRED UPTON
Chairman
House Subcommittee on Telecommunications
and the Internet

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEES:
ENERGY AND AIR QUALITY
TELECOMMUNICATIONS AND THE
INTERNET
ENVIRONMENT AND HAZARDOUS
MATERIALS

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

CO-CHAIR:
COALITION FOR AUTISM
RESEARCH AND EDUCATION



Congress of the United States
House of Representatives

MIKE DOYLE
14TH DISTRICT, PENNSYLVANIA

September 19, 2006

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Federal Communication Commission
445 12th Street, S.W.
Washington, D.C. 20554-0001

Dear Commissioners:

I write to urge the Commission to give its approval to Comcast's narrowly-targeted request for waiver of the FCC's rules promoting set-top box competition for low-cost, limited-capability set-top boxes. I believe that granting the waiver will ensure that consumers have the lowest-cost options available when they make the switch to digital cable.

One of the best rules the Commission ever completed was the "cable ready" rule in the 1990s. In it, the Commission ensured that consumers could enjoy cable programming without the need for costly additional equipment. As a result, many televisions will have long working lives and will stay in living rooms or be moved to kitchens, kids' rooms, basements and grandparent's homes throughout the country for years to come. While not digital-capable, many of those sets could benefit from the low-cost digital cable options that Comcast's request for waiver would provide.

Thanks to the Commission's recent work, consumers can choose from a wide variety of digital cable ready television sets. I encourage the Commission's continued efforts to ensure consumers wanting a richer digital experience to be able to choose from a diverse array of set-top boxes, multimedia computers, digital cable ready video recorders and more-- all with different features and price ranges.

But I believe that the same rules that support our mutual goals for a vibrant marketplace might negatively impact consumers not wanting bells and whistles like High-Definition, multiple tuners and DVR capability. I believe that the public interest warrants an exception for low-cost set-top boxes with features limited to making digital programming tiers, parental controls, electronic program guides, and video-on-demand services available to consumers.

I believe that approval of Comcast's waiver request will encourage faster consumer adoption of digital programming and services, which would hasten the migration of cable operators' systems to all-digital platforms. The faster Comcast and other cable operators can make this transition, the faster they can increase their capacity for High Definition programming, high speed internet access, and other digital services.

When Congress required broadcasters to turn off their analog signals in February 2009, it anticipated cable companies would come up with solutions for their customers to access digital

Federal Communication Commission

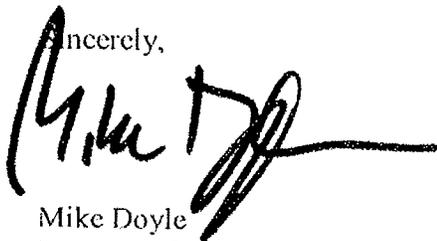
September 19, 2006

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broadcast services on their analog TVs. I believe this waiver request is an important step toward that goal and encourages consumers to make the move to digital without burdening the limited funds in the DTV converter compensation program.

Thank you for your consideration of this matter. I urge your support for Comcast's waiver request. If you have any questions about this issue, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Doyle", with a long horizontal flourish extending to the right.

Mike Doyle
Member of Congress

MFD:kd

GENE GREEN

29TH DISTRICT, TEXAS

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Congress of the United States
House of Representatives
Washington, DC 20515-4329

September 22, 2006

COMMITTEE ON ENERGY AND COMMERCE

- SUBCOMMITTEE ON ENERGY AND AIR QUALITY
- SUBCOMMITTEE ON HEALTH
- SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS
- SUBCOMMITTEE ON COMMERCE, TRADE AND CONSUMER PROTECTION

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

- DEMOCRATIC SENIOR DEPUTY WHIP
- DEMOCRATIC REGIONAL WHIP

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Commissioners:

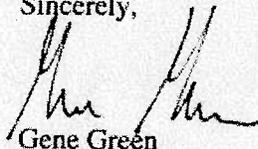
I respectfully request that the Commission approve Comcast's request for waiver of the FCC's integration ban rule only for certain low-cost, limited-capability set-top boxes. The grant of this waiver request will hasten the cable industry's transition to an all-digital platform.

The waiver request would only apply to boxes with a single digital tuner and a few analog outputs, but no advanced capabilities. These boxes are the most affordable way for customers with analog TVs to receive digital services, such as electronic program guides, video-on-demand, and parental controls. Ensuring that consumers have a choice of CableCARD-enabled devices is important for a competitive marketplace and this limited waiver will not pose a significant obstacle to that policy.

If the request is denied, cable operators will be forced to increase the size and likely the cost of the most affordable boxes to accommodate the cable card under the integration ban rule. In this scenario, fewer digital set-top boxes would be deployed, fewer customers have digital programming, and the transition to all-digital platforms would be significantly slowed. The faster cable operators make this transition, the faster they can free up analog spectrum for expanded broadband, HDTV, and other services.

Thank you for your consideration of this matter. I urge your support for Comcast's waiver request. If you have any questions about this issue, please do not hesitate to contact me.

Sincerely,



Gene Green
Member of Congress

GG:dw