

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

In the Matter of

BendBroadband's Request for Waiver
of 47 C.F.R. § 76.1204(a)(1)

CSR-7057-Z

SWORN DECLARATION OF AMY C. TYKESON

1. My name is Amy C. Tykeson. I am the President and CEO of Bend Cable Communications, LLC d/b/a BendBroadband ("BendBroadband"). I declare under penalty of perjury that the facts contained in this Declaration are true and correct to the best of my knowledge, information, and belief, and that I am authorized to give this Declaration on behalf of BendBroadband.

2. BendBroadband wishes to exercise the conditional waiver of the integration ban, 47 C.F.R. § 76.1204(a)(1) (second sentence), for the Motorola DCT-700 set-top box as set forth in the Memorandum Opinion and Order ("Order") adopted and issued in the above captioned proceeding on January 10, 2007. Accordingly, BendBroadband has initiated a transition to an all-digital video service with the expectation of terminating all analog transmissions by the end of 2008, contingent on the continued commercial availability of DCT-700 set-top boxes.

3. On or about June 1, 2007, BendBroadband ceased its offering of analog basic cable to new (including former) customers and to existing customers that are transferring services to a new address. These customers may choose from one of BendBroadband's all-digital services, such as its digital limited basic, digital family basic and digital expanded basic tiers. For its existing analog customers, BendBroadband is offering special promotions and free self-installation options to encourage them to switch voluntarily to all-digital service prior to BendBroadband's termination of analog services.

4. In accordance with the Order, BendBroadband's transition plan calls for termination of analog broadcasting by the end of 2008. At least six months prior to such termination, BendBroadband will notify all of its analog video customers of its plans to go all-digital, and will submit an affidavit to the Commission confirming that such notice has been provided. In addition, BendBroadband's transition has been highlighted in a recent front-page story of the business section of Bend's largest newspaper.

5. BendBroadband will at least six months prior to its migration to all digital either have in its inventory or have placed orders for enough set-top boxes to ensure that each of its customers can continue to view BendBroadband's video programming on their television sets, and will submit a sworn declaration to the Commission confirming that this is the case.

6. Although BendBroadband accepts the terms of the Order as specified above, it respectfully submits that the public interest would be better served if BendBroadband extended its termination date for analog transmission to the national termination date for analog over-the-air broadcasting. If the termination date were the same for both transitions, the federal government's education efforts in central Oregon regarding the DTV transition would benefit from BendBroadband's parallel education campaign to make consumers aware of its own digital transition date. By contrast, a termination date of New Year's Eve 2008, during the holiday period when many consumers are distracted and away from home, could unnecessarily cause greater difficulty, disruption, and customer confusion. Such an extension would not have any material adverse effect on the factors that led the Commission to find good cause for the existing waiver. The Commission confirmed this conclusion in its grant of a waiver to another similarly-situated operator, GCI Cable, Inc., conditioned on completion of its transition to all-digital by the DTV transition deadline, rather than the end of 2008. The Commission stated in footnote 54 of that order that:

Although GCI's target date for transitioning to an all-digital cable system is slightly longer than that permitted in the *BendBroadband Order*, we believe the additional period requested by GCI to transition to an all-digital system is of a reasonably short duration such that it is generally consistent with the deadline imposed upon BendBroadband. The key to the public interest analysis is that GCI's transition will be complete by the February 17, 2009 deadline for the DTV transition.

Accordingly, BendBroadband believes that such a *de minimis* change in the deadline for its transition does not require the filing of a new waiver request and payment of a new filing fee. In the event that the Commission instead concludes that an additional waiver is required, BendBroadband requests that the Commission either grant such an additional waiver on its own motion for good cause pursuant to Section 1.3 of its Rules, or timely notify BendBroadband that it would need to file a new request for waiver. In the absence of such notification, BendBroadband will submit a subsequent sworn declaration in accordance with GCI's Waiver Order in which it will commit to notify all of its analog customers of its plans to go all digital at least one year in advance of its transition and again six months in advance of that event, and to ensure that, at least one year prior to its migration to all digital, it has in its inventory or has placed orders for enough set-top boxes to ensure that each of its customers can continue to view its video programming on their television sets, and to later submit additional sworn declaration to the Commission confirming the accomplishment of these commitments.



Amy C. Tykeson
President and CEO
Bend Cable Communications, LLC d/b/a
BendBroadband
Executed on June 30, 2007