

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

In the Matter of

Adams CATV Inc.'s Request for Deferral of  
Enforcement of 47 C.F.R. § 76.1204(a)(1)

CSR-

To: Chief, Media Bureau

**REQUEST FOR DEFERRAL**

Pursuant to Sections 1.3 and 76.7 of the Commission's Rules, 47 C.F.R. §§ 1.3 and 76.7, Adams CATV Inc. ("Adams") hereby requests grant of a temporary deferral from enforcement of the integration ban<sup>1</sup> as specified below. As demonstrated below and in the attached documentation, Adams' request meets the conditions for a deferral set forth by the Bureau in the *BendBroadband, GCI, and Crosslake Orders*.<sup>2</sup>

Adams operates two small cable systems serving a total of approximately 22,000 subscribers in small communities in Pennsylvania and New York. Because of the low population densities of the areas served by Adams, its systems pass only an average of less than

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<sup>1</sup> 47 C.F.R. § 76.1204(a)(1) (second sentence).

<sup>2</sup> *Bend Cable Communications, LLC d/b/a BendBroadband Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, CSR-7057-Z, Memorandum Opinion and Order, DA 07-47 (rel. Jan. 10, 2007) ("*BendBroadband Order*"); *GCI Cable, Inc. Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, CSR-7130-Z, Memorandum Opinion and Order, DA 07-2010 (rel. May 4, 2007) ("*GCI Order*"); *The City of Crosslake, Minnesota d/b/a Crosslake Communications Petition for Deferral of Enforcement of July 1, 2007 Deadline in 47 C.F.R. § 76.1204(a)(1)*, CSR-7348-Z, Memorandum Opinion and Order, DA 07-2918 (rel. Jun. 29, 2007) ("*Crosslake Order*").

40 homes per mile of deployed cable facilities,<sup>3</sup> compared to 200-600 homes per mile typically enjoyed by operators in larger systems.<sup>4</sup>

As a small operator, Adams is unable to obtain new models of set-top boxes as quickly as large operators, “since manufacturers may prioritize orders from the largest cable operators.”<sup>5</sup> In May 2007, Adams placed an order for 552 CableCARD-ready Motorola DCH-200, DCH-6200 and DCH-6416 set-top boxes through the National Cable Television Cooperative (NCTC),<sup>6</sup> with a request for the initial shipment to be sent by July 1, 2007. If this order had been filled, Adams would have a sufficient number of CableCARD set-top boxes to fulfill the requests of its customers.<sup>7</sup> However, Adams has not received any of these devices. Based on information from NCTC, Adams believes that it may receive the devices sometime between late August and October 2007.<sup>8</sup>

Under nearly identical circumstances, the Commission found in the *Crosslake Order* that the public interest would be served by grant of a temporary deferral of enforcement of the integration ban.<sup>9</sup> Adams accordingly asks the Commission to grant a deferral until its systems can deploy the initial order of DCH-200, DCH-6200 and DCH-6416 devices for which Adams

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<sup>3</sup> See Exhibit 1 hereto, Declaration of Wendy D. Hartman, General Manager of Adams CATV Inc. (“Hartman Declaration”), at ¶ 3.

<sup>4</sup> CS Docket 97-80, Letter from Neil Smit, President & CEO, Charter Communications, Inc., to Hon. Kevin J. Martin, Chairman, FCC, (Apr. 4, 2007) (citing *See Television & Cable Factbook 2007*, Cable Vols. 1-2). *See also id.* (“An[] instructive measure of the rural nature of a system is its “homes passed per mile” of deployed cable facilities. Investors and cable analysts place significant weight on this figure in assessing the cost of providing cable services to a community and the expected return on investment, since it is much more expensive per customer to deliver services (especially broadband and other advanced services) to less densely populated rural areas.”).

<sup>5</sup> See *BendBroadband Order*, ¶ 10.

<sup>6</sup> See Hartman Declaration at ¶ 4; *see also* Exhibit 2 (copies of the purchase order forms submitted to and accepted by NCTC).

<sup>7</sup> See Hartman Declaration at ¶ 5.

<sup>8</sup> See Hartman Declaration at ¶ 6. As explained in the Declaration, Adams has requested written confirmation of this fact from NCTC, but has to date been unable to obtain it. Adams therefore asks the Commission to rely on the sworn declaration of its senior officer attesting to this fact from his personal conversation with NCTC’s Director of National Accounts.

<sup>9</sup> *Crosslake Order* at ¶¶ 7, 9. Adams placed its order with NCTC two days after *Crosslake*.

continues to wait to receive from its supplier. During this time, Adams would deploy only integrated devices that were already in its inventory prior to July 1, 2007, and would not purchase any additional integrated devices without seeking further relief from the Commission. Grant of this requested relief would assure that Adams' customers would not be precluded from ordering additional or replacement set-top boxes that they wish to use to receive digital cable, high-definition or DVR services.<sup>10</sup> By contrast, denial of this request could not make any material difference in the success of the retail navigation devices market, because Adams cannot "commonly rely" on CableCARD devices it cannot obtain.

For the foregoing reasons, Adams respectfully requests that the Commission grant a deferral from enforcement of the integration ban as specified above.

Respectfully submitted,



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Counsel for Adams CATV Inc.

July 24, 2007

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<sup>10</sup> See Hartman Declaration at ¶ 7.

**Exhibit 1**

Sworn Declaration of Wendy D. Hartman  
General Manager of Adams CATV Inc.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
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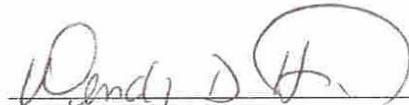
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**SWORN DECLARATION OF WENDY D. HARTMAN**

1. My name is Wendy D. Hartman. I am General Manager of Adams CATV Inc. ("Adams"). I have read the forgoing Request for Deferral, and declare under penalty of perjury that the facts contained therein and in this Declaration are true and correct to the best of my knowledge, information, and belief, and that I am authorized to submit this Declaration on behalf of Adams.
2. Adams is a small cable operator of two cable systems serving approximately 22,000 subscribers in small communities in Pennsylvania and New York.
3. Adams' systems pass an average of less than 40 homes per mile of deployed cable facilities.
4. In May 2007, Adams placed an order for 552 CableCARD-ready Motorola DCH-200, DCH-6200, and DCH-6416 set-top boxes through the National Cable Television Cooperative (NCTC), with an initial shipment of 92 of these devices requested for July 1, 2007. The purchase order forms attached to the Request for Deferral as Exhibit 2 are true and accurate copies of the order forms submitted by Adams and accepted by NCTC.
5. If Adams' initial order for DCH boxes had been filled, Adams could continue to deploy set-top boxes requested by its customers in compliance with the ban.
6. Adams has not received the above initial order of CableCARD devices. NCTC informed Adams that its order would be delivered approximately 90-120 days after it was accepted by NCTC, which occurred in late May.
7. Adams does not have a sufficient inventory of used integrated boxes to satisfy all of its customer requests until it now expects to be able to deploy CableCARD devices. Therefore, a deferral of enforcement is needed to assure that Adams will be able to deploy set-top boxes to customers who request devices for digital cable, high-definition and/or DVR services.

  
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Wendy D. Hartman  
General Manager  
Adams CATV Inc.  
Executed on July 24, 2007

**Exhibit 2**

Purchase Order Forms of Adams CATV Inc. to NCTC  
for Motorola CableCARD Set-Top Boxes

**[Submitted as Confidential Pursuant to Separate Request for Confidentiality Under  
Section 0.459 of the Commission's Rules]**