

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)
)
Home Town Cable TV, LLC)
) CSR-7355Z
Petition for Declaratory Ruling, or in the)
Alternative, a Limited Waiver of 47 C.F.R.) CS Docket No. 97-80
§ 76.1204(b))
)
To: Chief, Media Bureau)
)

Reply of Home Town Cable TV, LLC

Home Town Cable TV, LLC (“HTC”) files this Reply to the Consumer Electronic Association’s (“CEA”) comments on HTC’s Petition for Declaratory Ruling or Waiver.

Since HTC filed its Petition, the Media Bureau has granted 53 navigation device waivers to IPTV providers without deciding the issue of whether the technology is in compliance with Section 76.1204.¹ The Media Bureau granted the waivers based on the fact that the offerings were all-digital. Including the IPTV waivers, the Media Bureau has granted over 130 waivers to operators who currently operate or will operate all-digital video distribution networks before February 17, 2009.² HTC’s all-digital IPTV offering provides the same non-

¹ See, *In the Matter of Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, DA 07-2921 (MB rel. June 29, 2007) (“*All-Digital Waiver Order*”); *In the Matter of Commercial Availability of Navigation Devices*, DA 07-3317, CS Docket 97-80; CSR-7 (MB rel. July 23, 2007) (“*July 23 All-Digital Waiver Order*”).

² *Id.* See also, *Bend Cable Communications, LLC d/b/a/ BendBroadband Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, 22 FCC Rcd 209 (2007) (“*BendBroadband Order*”); *GCI Cable, Inc. Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, DA 07-2010 (MB rel. May 4, 2007); *Millennium Telecom, LLC d/b/a OneSource Communications*

speculative public interest benefits that the Media Bureau relied upon as justifying the all-digital waivers. HTC's waiver request is equally justified and should be granted without delay.

I. HTC is entitled to a waiver under Sections 1.3 and 76.7 of the Commission's Rules.

HTC is entitled to the same waiver relief granted under Sections 1.3 and 76.7 of the Commission's Rules to the 53 other companies using IPTV technology to provide an all digital video offering and the 80-plus non-IPTV companies who were granted limited waivers based on their providing or committing to provide all-digital service.³ The Media Bureau has specifically found that "all digital networks produce clear, non-speculative public interest benefits that, on balance, warrant a limited grant of a waiver from 76.1204(b)".⁴

CEA, the only party commenting on HTC's Petition, limits its comments to the issue of the whether the IPTV technology is compliant with the requirements of Section 76.1204.⁵ In granting the IPTV all-digital waivers the Media Bureau specifically noted that "[W]hile we do not decide in this order whether the ATM

Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, DA 07-2009 (MB rel. May 4, 2007).

³ Without waiving any position made in the Declaratory Ruling Petition, HTC notes that there is not a CableCard compatible IPTV HD or DVR device and thus HTC should be entitled to the same waiver relief granted to other IPTV providers regarding such devices. *See, All-Digital Waiver Order, at ¶17; July 23 All-Digital Waiver Order, at ¶15.*

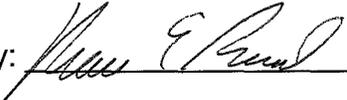
⁴ *All-Digital Waiver Order, at ¶59; July 23 All Digital Waiver Order, at ¶14.* As explained in the *BendBroadband Order*, "these public interest benefits include (i) ensuring that cable subscribers will be able to view digital broadcast signals after the end of the DTV transition and (ii) enabling cable operators to provide additional HD content, which may facilitate the DTV transition by creating greater incentives for cable subscribers to acquire digital television sets." *BendBroadband Order, 20 FCC Rcd. at 218, ¶24.*

⁵ *Comments of the Consumer Electronics Association on Two Requests for Clarification or Waiver of 47 C.F.R. 76.1204(a) and (b), CS Docket 97-80, CSR-7355-Z, CSR-7297-Z, pp. 1-5 (filed July 26, 2007). ("CEA Comments").*

and IPTV Providers Group members are in compliance with section 76.1204(a) as they claim, we nevertheless grant them waiver of that provision, which will afford them relief similar to what they seek”.⁶ Accordingly, CEA notes that it “supports a time-limited waiver in preference to” the granting of HTC’s requested Declaratory Ruling.⁷

HTC is providing an all-digital video offering via fiber to the home using IPTV technology. Consistent with the precedent set forth by the Media Bureau in the *All-Digital Waiver Order* and the *July 23 All-Digital Waiver Order*, HTC is entitled to a waiver of Section 76.1204 of the Commission’s rules similar to that granted to the other IPTV providers.

Respectfully submitted,

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⁶ *All-Digital Waiver Order*, at ft. 241. Similarly, the Media Bureau in the *July 23 All-Digital Waiver Order* granted the IPTV providers’ waiver requests while choosing not to address the compliance issues. See, *July 23 All-Digital Waiver Order*, at ft. 37.

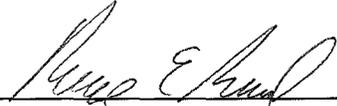
⁷ CEA Comments, at p. 6.

CERTIFICATE OF SERVICE

I, Bruce E. Beard, of the Cinnamon Mueller Law Firm certify that a true and correct copy of the Reply of Home Town Cable TV, LLC was served on the following individuals by first class mail on August 6, 2007:

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