

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

AUG 14 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Consolidated Requests for Waiver of Section)
76.1204(a) of the Commission's Rules)
)
Verizon's Petition for Waiver of the Set-Top)
Box Integration Ban, 47 C.F.R. § 76.1204(a)(1))
)
Commercial Availability of Navigation Devices)
)
)

CSR-7042-Z

CS Docket No. 97-80

**TIME WARNER CABLE'S OPPOSITION
TO VERIZON'S PETITION FOR REVIEW**

Time Warner Cable Inc., by its attorneys, respectfully submits this Opposition to Verizon's Application for Review and Petition for Clarification.¹ In the order under review, the Media Bureau — among other things — granted Verizon a one-year waiver of the integration ban with respect to HD and DVR-equipped set-top boxes.² Unsatisfied, Verizon has filed a petition for review, arguing that the Bureau should have granted it an indefinite waiver (or at a minimum a waiver for three years). Time Warner Cable agrees with today's filing in this docket

¹ See *Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, Verizon's Application for Review and Petition for Clarification of the Media Bureau's Memorandum Opinion and Order, CSR-7042-Z, CS Docket No. 97-80 (FCC filed July 30, 2007).

² See *Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, Memorandum Opinion and Order, CS Docket No. 97-80, DA 07-2921, 2007 WL 1892158, ¶ 61 (MB rel. Jun. 29, 2007).

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by the National Cable & Telecommunications Association (“NCTA”): the Commission should not grant the relief sought by Verizon.³

As NCTA explains, the Media Bureau erred in determining that the integration ban is more onerous for Verizon than it is for other cable operators. Although Verizon argues that manufacturers have to date not yet brought to market disintegrated HD and DVR-equipped devices for Verizon’s network, this is only because Verizon — unlike other cable operators — failed to make proper arrangements. Verizon constructed video facilities with full knowledge of the approaching July 2007 integration ban. If Verizon nonetheless did not urge its vendors to design and manufacture disintegrated boxes, its laxity should not be rewarded with a one-year waiver.

As NCTA further explains, however, to the extent that the Commission finds good cause exists for granting Verizon expanded relief, it must likewise extend the same benefit to all cable operators. As Verizon argues in its petition, a longer period of time would allow Verizon to avoid having to roll out disintegrated set-top boxes that will become obsolete once a downloadable security solution becomes available.⁴ That same argument, however, has equal force with respect to all cable operators: it makes no sense to require them to spend untold millions of dollars on a soon-to-be-outdated interim solution. Thus, Time Warner Cable joins NCTA in saying that, if the Commission grants the relief requested, that relief must be granted to all cable operators equally.

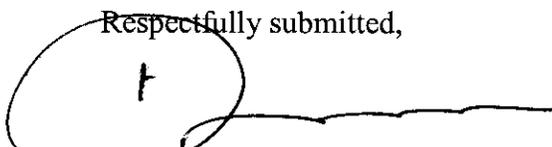
³ See *Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, Opposition of National Cable & Telecommunications Association to Verizon’s Application for Review and Petition for Clarification of the Media Bureau’s Memorandum Opinion and Order, CSR-7042-Z, CS Docket No. 97-80 (FCC filed Aug. 14, 2007).

⁴ See Application for Review at 9.

Conclusion

The Commission should deny Verizon's Application for Review. If the Commission grants Verizon's Application for Review, it must grant the same relief to all other cable operators.

Respectfully submitted,



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August 14, 2007

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Opposition to Verizon's Petition for Review were sent by hand delivery (*indicated by an asterisk **) or first-class mail this 14th day of August, 2007, to each of the following:

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