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

In the Matter of:)
Hart Cable, Inc.)
Petition for Waiver of)
47 C.F.R. § 76.1204(a)(1))
To: Chief, Media Bureau)

FCC/MED...
AUG 09 2007
CSR- 7540-2
CS Docket No. 97-80

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PETITION FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1)

I. Introduction and Summary

Hart Cable, Inc. ("Hart Cable") is a very small cable company providing cable services to approximately 3,000 subscribers in rural Georgia from its single cable system. Pursuant to 47 C.F.R. §§ 1.3 and 76.7, Hart Cable respectfully requests that the Commission grant a limited waiver of 47 C.F.R. § 76.1204(a)(1) for the following set-top boxes:

- Motorola DCT-2000 series
- Motorola DSR470

(collectively, "Low-Cost Set-Top Boxes").¹ Hart Cable requests the waiver based on its financial hardship, and requests that the waiver remain effective until the earlier of (i) the commercial availability of CableCARD-compatible set-top boxes compatible with one-way cable plant and Motorola and Comcast's HITS Quick Take service; or (ii) Hart Cable's upgrade of its system to two-way cable plant.

Granting Hart Cable's requested waivers is critical: No manufacturer produces, or has announced production of, CableCARD-compatible set-top

¹ Hart Cable attaches the specifications for the Low-Cost Set-Top Boxes as Exhibit 1.

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boxes that will fully function with HITS Quick Take Plus and one-way cable plant.² The company estimates that if it were to upgrade to two-way cable plant, the upgrade would cost between \$3 million and \$4 million. With only about 3,000 subscribers served by this one-way system, it is financially impossible for Hart Cable to undertake this rebuild. Accordingly, absent a grant of the requested waiver, Hart Cable will be forced to stop deploying many of its most popular digital services to new or upgrading subscribers.

Conversely, grant of the requested waivers will benefit consumers and increase the deployment of Hart Cable's digital cable television services. At the same time, granting Hart Cable's requested waivers will have no negative effect on the development of a competitive market for navigation devices.

We organize this waiver request as follows:

- Relief requested
- Background information on Hart Cable, its cable system, and its use of the Low-Cost Set-Top Boxes
- Authority for the requested waiver
- Conclusion

II. Relief Requested

Waivers. Hart Cable requests that the Commission grant a limited waiver of 47 C.F.R. § 76.1204(a)(1) for the Low-Cost Set-Top Boxes until the earlier of (i) the commercial availability of non-integrated set-top boxes compatible with

² HITS Quick Take Plus uses a regular telephone line as the return path, which allows Hart Cable to provide two-way services like video on demand and an interactive programming guide on its one-way cable plant. Currently, there are no CableCARD-compatible set-top boxes commercially available that are compatible with a telephone line return path.

one-way cable plant and the HITS Quick Take Plus service; or (ii) Hart Cable's upgrade of its system to two-way cable plant.

III. About Hart Cable

Hart Cable. Hart Cable is a small cable operator headquartered in Hartwell, Georgia. The company has been providing cable services to rural Georgia subscribers since 1994. The company owns a single cable system, from which it serves approximately 3,000 rural subscribers.

Hart Cable's cable system and its use of the Low-Cost Set-Top Boxes. Hart Cable's system serves 3,000 subscribers in Hartwell, Avalon and Martin, Georgia. The system is an older-technology, one-way cable system that was constructed long before the Commission adopted its final orders on separable security.

Because its cable plant is only 450 MHz and one-way, Hart Cable is limited to providing its subscribers digital programming services via Motorola and Comcast's HITS Quick Take Plus service. Approximately 17% of Hart Cable's subscribers take these digital services. This is much lower than the digital penetration rate enjoyed by large MSOs.³ Hart Cable attributes its low digital penetration rate to the fact that it serves economically-disadvantaged communities with a large elderly population.⁴

³ As of June 2005, the five top cable operators' digital subscriber counts equaled 41% to 58% of their total basic cable subscribers. *In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, Twelfth Annual Report*, 21 FCC Rcd. 2503 at ¶ 52 (2006).

⁴ Hart Cable serves three communities: Hartwell, Avalon, and Martin, Georgia. Hartwell's median household income is 37% below the national average, Martin's is 31% below the national average, and Avalon's is 26% below the national average. Moreover,

Currently, no manufacturer offers, or has announced, non-integrated set-top boxes compatible with one-way cable systems and HITS Quick Take Plus. The only set-top boxes compatible with this service are the integrated Motorola DSR470 and Motorola DCT boxes.⁵ In order to provide the least expensive digital services to its rural subscribers, Hart Cable purchases DSR470 and DCT-2000 series set-top boxes on the refurbished market for approximately \$150 each.

Because there are no non-integrated set-top boxes currently available that are compatible with one-way cable plant and HITS Quick Take, Hart Cable has only one option if not granted the requested waivers – to stop deploying some of its most popular digital services to upgrading and new digital subscribers. This is because upgrading its cable system to two-way plant would require Hart Cable to rebuild its entire cable system. The rebuild would cost approximately \$3 million - \$4 million and take at least 2 or 3 years to complete. With only 3,000 subscribers and limited administrative resources, Hart Cable cannot support the costs and burdens of rebuilding the company's cable system.

the percentage of elderly residents in Hartwell – where 90% of Hart Cable's subscribers live – is more than twice the national average. See [http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo id=& geoContext=& street=& county=hartwell& cityTown=hartwell& state=04000US13& zip=& lang=en& sse=on& pctxt=fph& pgsi=010& show 2003 tab=& redirect=Y](http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo id=& geoContext=& street=& county=hartwell& cityTown=hartwell& state=04000US13& zip=& lang=en& sse=on& pctxt=fph& pgsi=010& show 2003 tab=& redirect=Y;); http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo id=& geoContext=& street=& county=martin& cityTown=martin& state=04000US13& zip=& lang=en& sse=on& pctxt=fph& pgsi=010& show 2003 tab=& redirect=Y; and http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo id=& geoContext=& street=& county=avalon& cityTown=avalon& state=04000US13& zip=& lang=en& sse=on& pctxt=fph& pgsi=010& show 2003 tab=& redirect=Y.

⁵ See <http://www.hits.com/default.asp?path=products/quickTake.htm>.

IV. Justification for Requested Waiver

The Commission has ample authority to grant Hart Cable's requested waivers Section 76.1204(a)(1) of the Commission's rules for good cause under the general waiver provisions of the Commission's rules,⁶ and under Commission precedent.

A. Good cause. The Commission may grant a petition for waiver of any provision of Part 76 of its rules for good cause shown.⁷ Good cause exists in this case – Hart Cable's financial hardship and the public interest in the deployment of digital services to rural consumers.

(1) Financial hardship. To convert Hart Cable's cable system to two-way facilities will cost Hart Cable approximately \$3 million - \$4 million. This investment is not possible for Hart Cable - the company has had negative cash flow since at least the year 2000. Last year, Hart Cable operated at a loss of (\$308,203). In 2005, the company lost (\$237,777), and in 2004, its net loss was (\$154,611).⁸

Hart Cable simply cannot afford to replace its small, one-way cable system. Further, if Hart Cable were required to deploy Cable CARD-compatible boxes to its subscribers, it would need to deploy the analog/digital DCH200 set-top box. This set-top box would cost Hart Cable at least \$250 per unit, and would not support many of the most popular digital services offered by Hart

⁶ See 47 C.F.R. §§ 1.3 and 76.7(a)(1).

⁷ *Id.*

⁸ Hart Cable's cash flow and income statements for 2004-2006 are attached under seal as Exhibit 2, along with a Request for Confidentiality Pursuant to 47 CFR § 0.459.

Cable.⁹ At the same time, Hart Cable would need to raise its rates for digital services by at least \$10 per month to cover the increased cost of the DCH200 set-top box. Increasing the cost of decreased digital services would slow or reverse Hart Cable's already low digital penetration.

For these reasons, Commission precedent supports a grant of the requested waivers on the basis of Hart Cable's financial hardship alone. The Commission recently granted Charter a waiver of the deadline in Section 76.1204(a)(1), recognizing the financial difficulty involved in serving a rural customer base.¹⁰ Hart Cable's customer base is far more rural than Charter's,¹¹ and its financial situation is similarly difficult. Further, all three of the communities served by Hart Cable are economically disadvantaged. Ninety percent of Hart Cable's subscribers live in Hartwell, Georgia, which has a median household income 37% below the national average.¹² Moreover, the Commission has previously granted waivers of its regulations to Hart Cable based on the company's continuing financial hardship.¹³

⁹ Hart Cable would not be able to provide any services requiring a return path (such as VOD and an interactive programming guide) with the DCH200 set-top box.

¹⁰ *In the Matter of Charter Communications, Inc. Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, CS Docket No. 97-80, DA 07-2008, *Memorandum Opinion and Order* at ¶ 18 (rel. May 4, 2007) ("Charter Order"). See also *In the Matter of Guam Cablevision, LLC, Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, Memorandum Opinion and Order*, CS Docket No. 97-80, DA 07-2917 at ¶ 14 (rel. June 29, 2007) ("Guam Cablevision Order").

¹¹ Of the three communities served by Hart Cable's system, the largest is Hartwell (pop. 4,273). Martin's population is 304 and Avalon's is 278.

¹² See *supra* note 4.

¹³ See *In the Matter of Hart Cable, Inc., Request for Waiver of Section 11.11(a) of the Commission's Rules, Order*, 17 FCC Rcd. 18,977 (2002); *EAS Waivers for Certain Small*

(2) **Public interest in deployment of digital services to rural markets.** The public interest in deployment of digital services to rural markets also provides good cause for the requested waivers. If not granted the requested waivers, Hart Cable will be forced to stop deployment of some of its most popular digital services to new subscribers and to subscribers who want to upgrade from analog to digital services. In other words, enforcement of the Commission's integration ban in this case will necessarily result in a widening of the digital divide in rural Georgia - a highly undesirable outcome.

In short, good cause exists for the requested waivers of 47 C.F.R. § 76.1024(a)(1). The waivers will allow Hart Cable to continue to provide competitive, high-quality, digital services to its disadvantaged rural subscribers, which will indisputably benefit the public interest.

At the same time, denial of the requested waivers will provide no corresponding consumer benefits. The articulated purpose behind the integration ban is to encourage competitive entry into the market for set-top navigation devices. The very limited market for set-top boxes compatible with one-way cable plant and HITS Quick Take Plus is likely too small to attract any

Cable Television Systems Requesting Waiver Extensions Extended to June 30, 2006, Public Notice, 21 FCC Rcd. 2101 (2006).

In fact, the Commission has consistently granted waivers of its regulations based on financial hardship. See *In the Matter of Carson Communications, L.L.C. Request for Waiver of Section 11.11(a) of the Commission's Rules, Order, 17 FCC Rcd. 10,431 (2002)*; *In the Matter of WMW Cable Television Co. Request for Waiver of Section 11.11(a) of the Commission's Rules, Order, 17 FCC Rcd. 10,444 (2002)*; *In the Matter of Cunningham Communications, Inc. Request for Waiver of Section 11.11(a) of the Commission's Rules, Order, 17 FCC Rcd. 10,435 (2002)*; and *In the Matter of Souris River Television, Inc. Request for Waiver of Section 11.11(a) of the Commission's Rules, Order, 17 FCC Rcd. 10,438 (2002)*.

competitive entry. Accordingly, granting the requested waivers to Hart Cable will have no negative effect.

B. Commission precedent. The *Charter Order* and *Guam Cablevision Order* provide ample authority for the grant of the requested waiver on financial hardship grounds. Moreover, the Commission's *BellSouth Order*¹⁴ requires the grant of the requested waiver.

In the *BellSouth Order*, BellSouth petitioned the Commission for a permanent waiver of Section 76.640 for its digital cable systems, which it had constructed prior to the adoption of Section 76.640. The cable systems served about 40,000 subscribers. To meet the requirements of Section 76.640, BellSouth would have had to replace two headends and purchase and deploy 65,000 new set-top boxes.¹⁵ The Commission found grant of a waiver was in the public interest:

Grant of a waiver will allow BellSouth to continue to deliver digital services to its subscribers and remain a viable competitor in the MVPD marketplace. Because BellSouth's affected systems serve a combined total of only 40,000 subscribers we believe that very few subscribers will be affected by the waiver.¹⁶

The *BellSouth Order* compels the grant of Hart Cable's requested waiver. As was the case with BellSouth, Hart Cable began deploying its HITS services in

¹⁴ *In the Matter of: BellSouth Interactive Media Services, LLC and BellSouth Entertainment, LLC, Petition for Permanent Relief, Memorandum Opinion and Order*, 19 FCC Rcd. 15607 (2004) ("*BellSouth Order*").

¹⁵ *BellSouth Order* at ¶ 4.

¹⁶ *BellSouth Order* at ¶ 8.

2002, prior to the Commission issuing a final order defining the requirements for separable security.

As was the case with BellSouth, Hart Cable will have to rebuild its cable system in order to provide competitive digital services using CableCARD-compatible set-top boxes. As was the case with BellSouth, such a rebuild would be economically infeasible (in Hart Cable's case, it would actually be economically impossible), and would remove a local provider of digital services from rural Georgia markets.

And, as was the case with BellSouth, the requested waiver will affect very few subscribers. In fact, the justification for Hart Cable's waiver is even more compelling because Hart Cable's cable system serves only about 3,000 subscribers, as opposed to the 40,000 subscribers served by BellSouth.

Moreover, implicit in the Commission's grant of a waiver to BellSouth was a prospective waiver of Section 76.1204(a)(1) for BellSouth's set-top boxes, which the Commission ordered BellSouth to continue to supply to subscribers¹⁷ even though the boxes are not compatible with the Commission's separable security requirements.¹⁸ The BellSouth Order provides ample authority for the requested limited waivers of Section 76.1204(a)(1) for the Low-Cost Set-Top

¹⁷ *BellSouth Order* at ¶ 8.

¹⁸ See *BellSouth Order* at 6 and Table 2 (noting that, among other discrepancies between BellSouth's systems and the Commission's specifications in Section 76.640, BellSouth's digital systems operate without the out-of-band communications path required for CableCARDS).

Boxes. In addition, more recent Commission precedent also supports the grant of a waiver for DCT-2000 series set-top boxes.¹⁹

V. Conclusion

Hart Cable is a viable MVPD competitor providing advanced digital services to its rural subscribers. But Hart Cable's financial hardship means that the company cannot afford to rebuild its one-way cable plant to be compatible with separable-security set-top boxes. Accordingly, without the requested waiver, Hart Cable will be required to stop deploying many of its most popular digital services to the new and upgrading digital subscribers served by Hart Cable's one-way cable system. Disadvantaging a digital competitor in Hart Cable's rural markets will do nothing to increase the commercial availability of navigation devices, but may eliminate a source of MVPD choice in Hart Cable's rural communities. Conversely, granting Hart Cable's requested waivers will permit consumers to enjoy the full complement of advanced digital services offered by a locally-operated, small operator. Based on the foregoing, Hart Cable respectfully requests that the Commission grant its requested waivers.

¹⁹ See *In the Matter of GCI Cable, Inc., Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, CS Docket No. 97-80, DA 07-2010, *Memorandum Opinion and Order* at ¶ 17 (rel. May 4, 2007).

Respectfully submitted,

By: 

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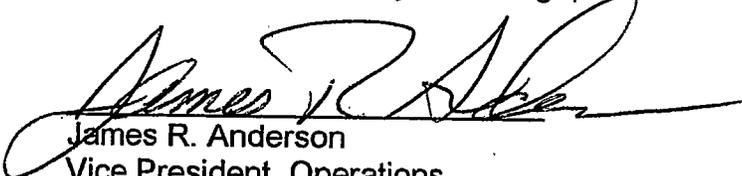
Fax: 312-372-3939

Attorneys for Hart Cable, Inc.

August 7, 2007

CERTIFICATION

I, James R. Anderson, Vice President, Operations for Hart Cable, Inc., have read the Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) to which this Certification is attached and certify that the facts contained therein are true and correct to the best of my knowledge, information, and belief.



James R. Anderson
Vice President, Operations
Hart Cable, Inc.

Date: August 9, 2007

EXHIBIT 1

Specifications for Low-Cost Set-Top Boxes



DSR470 Digital Signal Receiver

Basic one-way receiver for digital, analog basic, and pay-per-view channels.

The Motorola DSR470 can deliver digital satellite feeds with local analog service.

The Motorola DSR470 digital satellite receiver provides interactive digital cable programming through a unique satellite delivery method. By converting satellite signals to cable-friendly methods of transmitting programming, the DSR470 gives you quick access to up to 200 channels of digital and analog programming over a single coaxial cable.

To facilitate this type of digital system, the DSR470 accepts program signals, authorization, and control commands like a satellite receiver, but is installed at the end of a coaxial cable. Using its unique design, the DSR470 offers a wide range of viewing options—the combined offerings of analog cable and digital satellite programming to cable subscribers. Additionally, Motorola has developed a unified digital/analog on-screen display so the viewer can seamlessly scan all available channels.

Check with your local cable service provider for availability of this product in your area.

BENEFITS

- Cable and satellite technologies integrated and delivered in a single digital entertainment receiver
- Integrated program guide for seamless transition between analog and digital channels
- Pay-Per-View (PPV) for movies, sports, and special events
- Dolby® AC-3 surround sound when available on satellite signal
- Parental controls to block programming and limit access to underage viewers
- Optional 4:1 remote control available (for DSR470, TV, VCR/DVD, and stereo)

CONNECTEDMOTO



MOTOROLA
Intelligence every where.

DSR470

Digital Signal Receiver

Technical Specifications

GENERAL

ENVIRONMENT

Temperature 0° to -40°C (ambient)
Humidity 95% relative

SPECIFICATIONS

WidthxHeightxDepth 13.6 x 2.5 x 15
Weight 11 lbs
Power Input 115 V ± 10% AC, 60 Hz (nominal)
25 W (maximum)

Regulatory Compliance UL listed, CSA certified
Limited Warranty 1 year

CABLE INPUT

Frequency 54 to 860 MHz
Impedance 75 W
Analog Input Level 0 dBmV to +15 dBmV
Digital Input Level
-18 dBmV to +5 dBmV (64 QAM)
-12 dBmV to +5 dBmV (256 QAM)
Noise Figure @ 10 dBm input <10 dBmV

DIGITAL PROCESSING

Demodulation 64 and 256 QAM
Symbol Rates
5.056941 (64 QAM)
4.966862 and 5.360537 (256 QAM)

VHF OUTPUT

Impedance 75 W
Channel 3 and 4
Level, Video 66 dBuV ± 3 dB from VHF modulator
Audio Mono, SAP (menu selected)

VIDEO

Output Level 1 V p-p into 75 W
De-emphasis 525 line CCIR Rec. 405-1

AUDIO

Modes Digital stereo (stereo or surround), S/PDIF for AC-3 where available, analog stereo (BTSC)

IR REMOTE CONTROL

Operational Range 35 feet
± 22.5° from center (horizontal axis)
± 13.0° from center (vertical axis)

UHF REMOTE CONTROL

Operational Range 150-foot radius from unit

ASYNCHRONOUS DATA

Data Rate 1200, 2400, 4800, 9600, and 19200 bps
Format Asynchronous 10-bit characters transmitted LSB first
Mode Simplex
Interface RS-232 voltages and impedance levels
Connector Mini phone

HIGH-SPEED DATA

Data Rate 29.27 Mbps ± 20 ppm
Format AMI encoded with 8% minimum transition density
Multiplex MPEG-2 compatible
Signal Level 0.5 V p-p ± 20% AC coupled into 110 W
Connector DB-9

MODEM/REPORTBACK INTERFACE

Standard Bell 212A
Data Rate 1200 baud
Connector RJ-11 telco plug

DIGICIPHER II AUDIO (ANALOG)

Stereo Outputs 2
Impedance 110 W maximum
Output Level 5.66 V p-p ± 10% into 2 kW load with 0 dBFS digital input

Frequency Response 8 p-1.0 Dp, 20 Hz to 20 kHz
THD 0.3% maximum from 20 Hz to 20 kHz referenced to +10 dBm encoder

SNR 85 dB minimum
Stereo Channel Isolation 60 dB minimum

DIGICIPHER II AUDIO (DIGITAL)

Stereo Outputs 1
Impedance 75 W
Signal Level 0.5 p-p ± 20% into 75 W load
Connector RCA
Format Dolby AC3 or PCM

DIGICIPHER II COMPOSITE VIDEO

Outline Level 1.0 C p-p ± 10%, sync tip to reference white
Frequency Response (NTSC) ± 1.0 dB, 1 kHz to 4.2 MHz
C-L Delay Inequality ± 50 nsec
Differential Gain 5.0% p-p maximum (10-90% APL)
Differential Phase 5.0° p-p maximum (10-90% APL)
Luminance SNR 57 dB

CABLE VIDEO (ANALOG)

Frequency Response +1.58 to -1.94 dB, 0.5 to 3.0 MHz
Differential Gain 8.0% p-p maximum
Differential Phase 8.0° p-p maximum
S/N 49 dB minimum @ 6 dBmV (unified weighing 100 kHz to 4.2 MHz)

CABLE AUDIO (ANALOG)

Frequency Response ± 3.0 dB, 50 Hz to 10 kHz
Harmonic Distortion 2.0% maximum @ 1 kHz

To view our full line of Connected Home Solutions, visit our Web site at broadband.motorola.com/consumers

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MOTOROLA DCT2000 FEATURES AND INTERFACES

FEATURES

- **Standard Features**
 - MPEG-2 main level profile video processor
 - ATSC standard Dolby Digital* (AC-3) audio processor
 - ITU standard 64/256 QAM/PEEC/enhanced adaptive equalizer
 - On-board real-time RF return (256Kbps)
 - High-resolution, bitmapped graphics display (24/16-bit)
 - Clear analog channel processing
 - 54-860MHz tuner
 - DES-based encryption/DCII access control
 - Digital diagnostics
 - 2.048Mbps out-of-band data receiver
 - Macrovision copy protection
 - Wide screen (16 x 9) video support
 - 4-line vertical blanking interval pass-through capability (closed caption)
 - BTSC stereo decoder
 - Full feature access from front panel
 - Messaging capabilities

➤ **Optional Features**

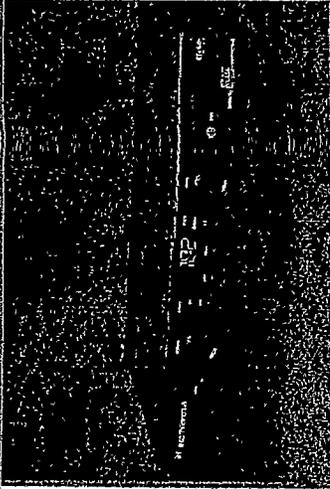
- Motorola and compatible analog descrambling
- RF I
- IR blaster tether
- RF bypass switch or A/B switch
- Telephone modem (14.4kpbs)
- S-Video output
- S/PDIF-Dolby AC-3 output
- Optical AC-3 output

INTERFACES

- **Standard Interfaces**
 - RF baseband (video, L/R audio) ports
 - Audio loop through connectors
 - IR blaster port
 - Switched accessory outlet
 - RS 232 Serial Port

MOTOROLA

MOTOROLA DCT2000

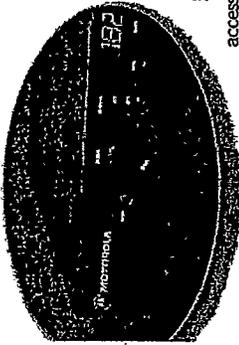


Motorola's most popular interactive digital set-top terminal boasts a wide array of capabilities, ease of use and affordability.

State-of-the-art digital compression technology makes it possible for the Motorola DCT2000 to provide a wealth of new revenue-generating services. Platform versatility allows the Motorola DCT2000 to grow as your home broadband access needs grow. Its 64 and 256 QAM digital processing technology significantly boosts channel capacity while delivering stunningly vivid video and audio.

The Motorola DCT2000 can be configured to support real-time, reverse path communications,

and uses DigiCipher® II,



Motorola's Emmy-award-winning access control and encryption technology. This provides worry-free access to such interactive

services as VOD, Internet, e-mail, home shopping and more. The advanced user features and capabilities of the Motorola DCT2000 support a host of new services and provide an unparalleled level of flexibility and control.

- Hybrid digital/analog terminal
- MPEG-2 video and Dolby Digital™ audio
- Advanced security via Motorola DC-II Conditional Access and Harmony DES-based encryption
- Supports Open Cable/Harmony specifications
- Open architecture supports down-loaded third-party software applications
- High-resolution, on-screen graphics display
- Real-time interactivity for use in VOD systems and Internet access



MOTOROLA

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800.523.6678 www.motorola.com/broadband
3377-051-SK

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

In the Matter of:)

Hart Cable, Inc. Petition for Waiver of)
47 C.F.R. § 76.1204(a)(1))

Request for Confidentiality)
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CSR-_____
CS Docket No. 97-80

Request for Confidentiality Pursuant to 47 CFR § 0.459

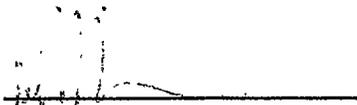
Hart Cable, Inc. ("Hart Cable" or "Company") submits this request to withhold from public inspection for a period of twenty-four months Hart Cable's cash flow and income statements for the years 2004, 2005 and 2005 ("Confidential Information"), which have been submitted in a sealed envelope marked "CONFIDENTIAL" as a supplement to Hart Cable's Petition for Waiver of 47 C.F.R. § 76.1204(a)(1) in this docket.

Hart Cable is a privately-held corporation. Its Confidential Information is not available to the public, and the Company has taken all reasonable measures to prevent the unauthorized disclosure of the Confidential Information, including stamping all copies of the Confidential Information with the legend "CONFIDENTIAL" in bold, red typeface, and limiting disclosure to the Company's shareholders, board of directors and lenders.

The Confidential Information is financial information related to the cable television services provided by Hart Cable. The Company reports that its rural service areas have been aggressively targeted by DBS providers DISH, DirecTV and their agents. Price competition appears to be a principal competitive strategy. The Company fears that disclosure of the Confidential Information would make available to these providers information on Hart Cable's cost of providing its service offerings, and would thereby facilitate targeted promotional offerings in the Company's service areas.

For these reasons, Hart Cable requests that the Commission enter a protective order to keep confidential and withhold the Confidential Information from public inspection for a period of twenty-four months.

Respectfully submitted,

By 

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Cinnamon Mueller
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(312) 372-3930

Attorneys for Hart Cable, Inc.

August 7, 2007

CERTIFICATION

I, James R. Anderson, Vice President, Operations for Hart Cable, Inc., have read the Request for Confidentiality to which this Certification is attached and certify that the facts contained therein are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "James R. Anderson", written over a horizontal line.

James R. Anderson
Vice President, Operations
Hart Cable, Inc.

Date: *August 1, 2007*