

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

In the Matter of)	
)	
Implementation of Section 304 of the Telecommunications Act of 1996	)	CS Docket No. 97-80
)	
Commercial Availability of Navigation Devices)	
)	
Consolidated Petitions for Extension of Waiver of Section 76.1204(a)(1) of the Commission's Rules)	
)	
Bernard Telephone Company Inc.	)	CSR-7886-Z
Colo Telephone Company	)	CSR-7887-Z
Coon Creek Telephone Company and Coon Creek Telecommunications Corp.	)	CSR-7888-Z
)	
F & B Communications, Inc.	)	CSR-7889-Z
Farmers Cooperative Telephone Company	)	CSR-7890-Z
Heart of Iowa Communications Cooperative	)	CSR-7891-Z
Kalona Cooperative Telephone Company	)	CSR-7892-Z
LaMotte Telephone Company	)	CSR-7893-Z
Local Internet Service Company	)	CSR-7903-Z
Mahaska Communication Group, LLC	)	CSR-7894-Z
Radcliffe Telephone Company, Inc.	)	CSR-7895-Z
South Slope Cooperative Telephone Company	)	CSR-7896-Z
Wellman Cooperative Telephone Association	)	CSR-7897-Z
West Liberty Telephone Company	)	CSR-7898-Z
Winnebago Cooperative Telecom Association	)	CSR-7899-Z
_____)	

**Comments of the Consumer Electronics Association
on Consolidated Petitions for Extension of Waiver of 47 C.F.R. § 76.1204(a)(1)**

June 5, 2008

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**Comments of the Consumer Electronics Association
on Consolidated Petitions for Extension of Waiver of 47 C.F.R. § 76.1204(a)(1)**

The Consumer Electronics Association respectfully submits these comments in response to requests by fifteen multichannel video programming distributors in Iowa (the

“Petitioners”¹ for an extended waiver of Section 76.1204(a)(1) of the Commission’s rules.² That section requires MVPDs to provide “equipment” implementing a separable security function for use in competitive navigation devices, and by July 1, 2007, to rely on the same separable security function in their own leased navigation devices, such as set-top boxes. The Commission promulgated that rule in 1998 and has extended the effective date of the “common reliance” requirement twice. Despite having nine years’ notice of their obligations under these rules, the Petitioners requested a waiver in May 2007. The Commission’s Media Bureau granted a one-year waiver while instructing the Petitioners to “work to develop and deploy a separable security solution that will allow for interoperability between their systems and consumer electronics equipment” during the year given.³

Should the Bureau extend Petitioners’ waiver yet again, it should take care not to do so on terms that will lead to a proliferation of mutually incompatible and non-portable conditional access technologies. The navigation device rules implement Congress’s clear directive to “ensure the availability” of video navigation devices from sources other than

¹ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices, Consolidated Petition for Extension of Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, CS Dkt. No. 97-80, Bernard Telephone Company Inc., CSR-7886-Z, Colo Telephone Company, CSR-7887-Z, Coon Creek Telephone Company and Coon Creek Telecommunications Corp., CSR-7888-Z, F & B Communications, Inc., CSR-7889-Z, Farmers Cooperative Telephone Company, CSR-7890-Z, Heart of Iowa Communications Cooperative, CSR-7891-Z, Kalona Cooperative Telephone Company, CSR-7892-Z, LaMotte Telephone Company, CSR-7893-Z, Local Internet Service Company, CSR-7903-Z, Mahaska Communication Group, LLC, CSR-7894-Z, Radcliffe Telephone Company, Inc., CSR-7895-Z, South Slope Cooperative Telephone Company, CSR-7896-Z, Wellman Cooperative Telephone Association, CSR-7897-Z, West Liberty Telephone Company, CSR-7898-Z, Winnebago Cooperative Telecom Association, CSR-7899-Z (May 8, 2008) (the “Petitions”).

² 47 C.F.R. § 76.1204(a)(1) (2007).

³ *In the Matter of Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission’s Rules, Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, CS Dkt. No. 97-80, Memorandum Opinion and Order ¶ 61 (rel. Jun. 29, 2007) (the “Order”).

the MVPDs. As CEA has explained in this docket,⁴ a competitive market for navigation devices *cannot* exist if such devices can only operate in certain parts of the country and are not portable between MVPD systems. Likewise, competitive devices cannot exist if they must implement numerous, mutually incompatible security technologies, based on proprietary protocols, subject to multiple royalties and mutually incompatible licensing terms. Multiple proprietary standards will carry MVPDs even farther away from Congress's goal of a competitive market.

Based on CEA's current understanding and Petitioners' admissions, the technologies from Widevine and Nagravision used by the Petitioners are not nationally portable. These systems "use closed proprietary standards," "are not interoperable with other third-party IPTV set-top boxes in the marketplace" and "do not meet the requirement of common reliance."⁵ According to the scant information made public by Widevine and Nagravision, a navigation device designed to work on Petitioners' systems would not even be portable throughout Iowa, much less nationwide.

CEA acknowledges the effort by the Alliance for Telecommunications Industry Solutions (ATIS) to create a standard, based on the CableCARD, that can be used by Internet Protocol-based MVPDs. It was in recognition of this effort that the Bureau granted the Petitioners a one-year waiver through July 1, 2008.⁶ However, the Petitioners do not cite any progress made towards that goal nor any of their own efforts in support of

⁴ *In the Matter of Colo Telephone Company, et al., Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules, CSR-7218-Z - CSR-7222-Z, CSR-7227-Z, Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices, CS Dkt. No. 97-80, Comments of the Consumer Electronics Association on Six Requests for Waiver of 47 C.F.R. § 76.1204(a)(1) (July 5, 2007).*

⁵ Petitions at 5.

⁶ Order ¶ 61.

Dated: June 5, 2008

CERTIFICATE OF SERVICE

I do hereby certify that on June 5, 2008 I caused a true and correct copy of the foregoing Comments of the Consumer Electronics Association on Consolidated Petitions for Extension of Waiver of 47 C.F.R. § 76.1204(a)(1) to be served via first-class mail on the following:

James U. Troup
Tony S. Lee
Grace R. Chiu
VENABLE LLP
575 7th Street, N.W.
Washington, D.C. 20036
Tel: (202) 344-4000; Fax: (202) 344-8300
Email: JUTroup@Venable.com
TSLee@Venable.com
GRChiu@Venable.com

/s/ LaClaudia Dyson
LaClaudia Dyson