

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

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Office of the Secretary

In the Matter of:
Evolution Broadband, LLC
Petition for Waiver of
47 C.F.R. § 76.1204(a)(1)

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CSR-7902-Z1

REPLY COMMENTS OF EVOLUTION BROADBAND, LLC

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I. Introduction and Summary

Evolution Broadband, LLC ("Evolution") manufactures two one-way, low-cost, limited-capability set-top boxes: The DMS-1002 and DMS-1002-CA. On May 12, 2008, Evolution filed a petition for waiver of 47 C.F.R. § 76.1204(a)(1) ("Integration Ban") seeking a limited, three-year waiver of the Integration Ban for these set-top boxes.¹

The record overwhelmingly supports the requested waiver. Supporting commenters include the American Cable Association, on behalf of over 1,000 small and medium-sized cable companies.² Individual companies supporting the *Petition* include Baja Broadband, Cable One, Frankfort Plant Board and TVMAX.³ Predictably, the

¹ Evolution Broadband, LLC, *Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)* (filed May 12, 2008) ("*Petition*") at 3.

² See *In the Matter of Evolution Broadband, LLC*, Letter from Matthew M. Polka, President and CEO, American Cable Association, to Chairman Kevin J. Martin, Federal Communications Commission ("*ACA Letter*"), CSR-7902-Z1 (June 11, 2008).

³ See *In the Matter of Evolution Broadband, LLC*, Letter from Steve Delgado, COO, Baja Broadband, to Chairman Kevin J. Martin, Federal Communications Commission ("*Baja Broadband Letter*"); Comments of Cable One, Inc. ("*Cable One Comments*"); Letter from Hance Price, General Counsel, Electric and Water Plant Board of the City of Frankfort, Kentucky, to Chairman Kevin J. Martin, Federal Communications Commission ("*Frankfort Plant Board*").

Consumer Electronics Association ("CEA") filed the lone opposition,⁴ a disingenuous document rife with inaccurate claims and irrelevant arguments, none of which refutes the substantial public interest benefits of the requested waiver, especially for consumers served by small and medium-sized cable companies.

The Commission should not allow CEA's self-serving *Opposition* to obfuscate the facts: Evolution Broadband's requested waiver is necessary for cable operators serving smaller and rural markets to transition to all-digital systems and provide new and improved video and other advanced services to their subscribers. Granting the waiver will result in real public interest benefits, including the deployment of advanced services like high-speed Internet, VOD and other digital services in these markets.

Evolution Broadband addresses CEA's *Opposition* below.

II. CEA's *Opposition*

CEA's *Opposition* collapses under the lightest scrutiny. It ignores facts set forth plainly in the record, mischaracterizes the *Petition*, clutters the record with irrelevant arguments, and invents brand new regulatory requirements for set-top box waivers not found anywhere in Commission regulations or precedent. Evolution Broadband addresses each of CEA's principal arguments below.

Letter"); Letter from David Curtin, COO and EVP, TVMAX Houston, LP, to Chairman Kevin J. Martin, Federal Communications Commission ("*TVMAX Letter*"), CSR-7902-Z1 (June 11, 2008).

⁴ *Opposition of the Consumer Electronics Association to Evolution Broadband, LLC Petition for Waiver of 47 C.F.R. § 76.1204(a)(1)*, CSR-7902-Z (filed June 16, 2008) ("*Opposition*").

CEA's claim:

"This is not the time to be introducing new security technologies that are not disclosed or available to new entrants, and that cannot be implemented competitively on a nationally portable basis."⁵

This argument is a red herring.⁶ Evolution Broadband is not seeking a declaration from the Commission that the Conax conditional access used in the DMS-1002 and DMS-1002-CA meets the nationwide availability exception from the Integration Ban in 47 C.F.R. § 76.1204(a)(2), or that it meets the "common reliance" standard in 47 C.F.R. § 76.1204(b).⁷ If it were, Evolution Broadband would have to show that the Conax security in the DMS-1002 and DMS-1002-CA met one of these standards. But by definition, these standards do not need to be met by a party that is seeking a waiver of the Integration Ban.

⁵ *Opposition* at 1.

⁶ CEA apparently believes that by repeating this argument at least once on every page of the *Opposition*, it will convince the Commission that it is somehow relevant or true. See, e.g., *Opposition* at 1-2 ("For cable operators now to deploy new one-way boxes with proprietary integrated security would be a great leap backwards..."); *Opposition* at 3 ("...the purpose of Evolution's petition appears to be to allow cable operators to use a conditional access technology that is not available, under any circumstances, to competitive entrants...."); *Opposition* at note 4 ("Evolution has not shown that the "Conax security" used by its set-top boxes is available to competitive entrants or nationally portable and scalable to cable systems nationwide, as would be required under the Commission rules."); *Opposition* at 4 ("...[A] new technology may tap into the potential for competitive devices to be offered to cable customers in cable's digital transition -- if it is available to and useful for competitive entrants, and if a license that comports with Commission rules is available to those entrants..."); *Opposition* at 4 ("Yet Evolution asks to use a technology apparently unavailable to competitive entrants..."); *Opposition* at 5 ("A nationwide waiver will undermine common reliance in a way that the Media Bureau's prior geographically limited and time-limited waivers will not."); *Opposition* at 6 ("To grant Evolution a nationwide waiver to sell set-top boxes using security technology that is not available to competitive entrants would remove cable operators' incentive to support CableCARD-compliant devices."); and *Opposition* at 7 ("There is no justification for the introduction of a new, proprietary security technology as the era of common reliance has just begun."). The Commission must reject this deceptive technique.

⁷ Conax has not yet petitioned the Commission for either declaration.

Moreover, CEA's argument ignores a fact plainly set forth in the Petition: The Conax security in Evolution Broadband's DMS-1200 and DMS-1200-CA is disclosed and available to new entrants. Over 200 set-top box manufacturers are using Conax security, including a large number of CEA's members.⁸ In fact, Conax security is employed by more than seven times as many manufacturers as the CableCARD.⁹ Accordingly, CEA's characterization of the Conax security as "not disclosed or available to new entrants" is patently untrue.

CEA's claim:

"Were waivers to be considered now, such waivers would seriously undermine the competitive products available at retail which come from manufacturers independent of cable operators."¹⁰

It is unclear to which "products available at retail" CEA refers. Nearly a year after the Integration Ban went into effect, a search of the websites of several major consumer electronics vendors did not reveal a single CableCARD-compatible set-top box.¹¹ Apparently, CEA is referring to its members' more profitable CableCARD-compatible televisions, most of which cost thousands of dollars, and are far out of reach for the

⁸ See Petition at note 9, citing <http://www.conax.com/en/partners/stb/>. See also Exhibit 1 (listing set top box manufacturers that have licensed Conax security. Exhibit 1 also includes a list of cable operators, satellite companies and content providers licensing Conax security). On information and belief, set-top box manufacturers who license Conax security and are also CEA members include Samsung, Nokia, Motorola and Philips, to name just a few.

⁹ See Letter from Neal Goldberg, National Cable & Telecommunications Association, to Marlene Dortch, Secretary, Federal Communications Commission, CS Docket 97-80 (June 23, 2008) ("June 2008 NCTA Letter") (only 27 consumer electronics manufacturers have had their products certified or verified for use with CableCARDS).

¹⁰ Opposition at 2.

¹¹ See www.circuitcity.com, www.walmart.com, www.amazon.com, and www.abt.com.

small-market and rural consumers for whom the \$45-\$55 Evolution Broadband DMS-1002 and DMS-1002-CA set-top boxes are designed.¹²

To the contrary, a waiver for the DMS-1002 and DMS-1002-CA will increase competition in the set-top box market by allowing companies like Evolution Broadband to challenge the Motorola/Scientific Atlanta duopoly that makes up the current U.S. set-top box market. After gaining entry to the U.S. market with these one-way, low-cost, limited-functionality set-top boxes, Evolution Broadband plans to bring to market higher-end CableCARD-compatible set-top boxes. To this end, Evolution Broadband is currently working with Conax to obtain qualification from CableLabs for a Conax-based CableCARD.

CEA's claim:

"...[T]he Commission has not identified any waiver requests to date that are 'necessary to assist the development or introduction of a new or improved video service.'"¹³

The Commission has not yet been presented with a set-top box as inexpensive as the DMS-1002 and DMS-1002-CA. At \$45-\$55, these set-top boxes are only 21%-

¹² For example, the only two CableCARD-compatible TV available on Amazon's website cost \$2,950.00 and \$1,150.19. See http://www.amazon.com/Pioneer-PDP-5045HD-PureVision-High-Definition-CableCARD/dp/tech-data/B00078XIVC/ref=de_a_smtd and http://www.amazon.com/Philips-42PF7320A-42-Inch-Widescreen-Plasma/dp/tech-data/B000AMLU20/ref=de_a_smtd (viewed June 23, 2008). This is because consumer electronics manufacturers are phasing out television sets with CableCARDs and only offer them on their more expensive models. See *Cable Without a Cable Box and TV Shows Without a TV*, <http://www.nytimes.com/2007/07/26/technology/circuits/26basics.html> (viewed June 23, 2008) ("You won't find inexpensive smaller sets with the feature, but there are a few widescreen, flat-panel sets with CableCARD slots."); see also *A CableCARD That Hasn't Been Able to Kill the Set-Top Box*, http://www.nytimes.com/2006/07/03/technology/03cable.html?_r=1&partner=rssnyt&emc=rss&oref=slogin (viewed June 23, 2008) (eighty percent fewer television models with CableCard slots were available in 2008 than in 2005.).

¹³ *Opposition* at 3.

26% of the price of the lowest-cost, non-integrated set-top box commercially available, the Motorola DCH100, and significantly less expensive than the \$85 Motorola DCT-700, for which the Commission has granted a number of waiver requests.¹⁴ The record contains ample evidence that, unlike the Motorola DCT-700, the DMS-1002 and DMS-1002-CA are necessary for cable operators – especially those serving smaller and rural markets – to convert the most price-sensitive customers to digital services. Increasing digital penetration is the only way these cable operators can transition to all-digital networks so that they can offer new or improved video services and other advanced digital services.¹⁵

Moreover, Evolution Broadband also seeks a waiver for the DMS-1002 and DMS-1002-CA under 47 C.F.R. §§ 1.3 and 76.7.¹⁶ Under these provisions, Evolution Broadband must establish only that "good cause" exists for the waiver. The *Petition* and supporting comments meet this burden with ample room to spare.¹⁷

CEA's claim:

Evolution's request does not comport with the requirements of Section 629...because it is only nominally time-limited...Evolution does not state what event will...occur in three years that would obviate the need for a continued waiver...Evolution requests a

¹⁴ *Petition* at 7.

¹⁵ See, e.g., *Cable One Comments* at 3 (The cost of investing in traditional analog plant upgrades [without a low-cost, limited-capability converter box like the DMS-1002 and DMS-1002-CA] "would simply keep Cable One's systems trapped in a hybrid analog-digital mode instead of helping them move towards the desired goal of an all-digital future."); *Frankfort Plant Board Letter* at 1; *TVMAX Letter* at 1.

¹⁶ See *Petition* at 3.

¹⁷ See *Petition* at 5-11; *Cable One Comments* at 1-6; *ACA Letter* at 1-2, *Baja Broadband Letter* at 1; *TVMAX Letter* at 1; *Frankfort Plant Board Letter* at 1-2.

waiver for 'any successor models,' suggesting that it intends to continue building noncompliant devices indefinitely..."¹⁸

To the contrary, Evolution Broadband expressly requested "a 3-year waiver of the Integration Ban for its DMS-1002 and DMS-1002-CA digital-to-analog converter boxes."¹⁹ This 3-year limit would also apply to any successor models to the DMS-1002 and DMS-1002-CA. In short, CEA's claim that Evolution Broadband has requested a "nominally time-limited" waiver is pure invention, and is apparently designed to distract the Commission from the want of substance in CEA's *Opposition*.

Moreover, Evolution Broadband is aware of no requirement to provide a reason why its requested waiver should be no longer than 3 years. Again, CEA invents regulatory requirements in an attempt to distract the Commission from the shortcomings of its *Opposition*.

CEA's claims:

"Cable operators have kept CableCARD-compliant navigation devices a niche product by failing to support them adequately – a fact well documented in this docket."²⁰

"If this waiver is granted, we would expect support for CableCARDs, still nascent after four years, to suffer immediately."²¹

As support for its first claim – that lack of cable operator support for CableCARD-compatible set-top boxes is "well documented" – CEA is able to

¹⁸ *Opposition* at 3-4.

¹⁹ *Petition* at 3 (emphasis added).

²⁰ *Opposition* at 5.

²¹ *Opposition* at 7. See also *Opposition* at 6 ("it is far from 'obvious' that the installed base of CableCARD-compliant devices is now large enough to ensure that cable operators have a market incentive to support all such devices adequately.").

reference only its own self-serving filing.²² Moreover, most digital cable systems have been required to support CableCARD-compatible televisions since June 1, 2004.²³ Further, this statement, and CEA's characterization of the CableCARD-compliant set-top box market as "nascent," are patently incorrect.

In the six months between December 26, 2007 and June 23, 2008, the number of CableCARD-compatible set-top boxes deployed by the 10 largest cable operators (serving 90% of U.S. cable subscribers) increased 276%, from 2,255,000 to 6,232,800.²⁴ Such support for the CableCARD is far from "nascent" – it is robust.

And this rapidly-growing market will hardly "suffer immediately" if the Commission grants Evolution Broadband's waiver request. The set-top boxes for which Evolution Broadband requests a waiver will appeal to a small fraction of cable subscribers. The DMS-1002 and DMS-1002-CA are one-way set-top boxes without HD, DVR, Internet access, interactive guide or VOD capability.²⁵ As the Commission itself has recognized, this type of one-way product has a very limited audience.²⁶ These ultra-low-cost set-

²² See *Opposition* at note 8.

²³ See 47 C.F.R. § 76.640(b).

²⁴ See *June 2008 NCTA Letter, Letter from Neal Goldberg, National Cable & Telecommunications Association, to Marlene Dortch, Secretary, Federal Communications Commission, CS Docket 97-80 (December 26, 2007)*.

²⁵ See *Petition* at 2 and 4-5. At the same time, Evolution supports Cable One's position that "the Commission should update its waiver standard in recognition of the fact that HD-functionality can no longer be considered an 'advanced' service and that the important consumer benefits of achieving all-digital service include providing consumers with an affordable means of accessing HD content." *Cable One Comments* at 13.

²⁶ See *Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, Third Further Notice of Proposed Rulemaking, 22 FCC Rcd. 12024 at 5 (2007)* ("It is apparent that consumers have not shown significant interest in one-way devices,

top boxes were specifically designed for subscribers who cannot afford the full panoply of advanced digital services, or who won't pay for an expensive, CableCARD-compatible set-top box for a third or fourth TV set. This limited group of consumers would not be purchasing or leasing a CableCARD-compatible navigation device anyway. Accordingly, granting a waiver for the DMS-1002 and DMS-1002-CA will have no negative effect on the burgeoning market for CableCARD-compatible navigation devices.

CEA's claim:

"Evolution itself noted that the factors under which the Media Bureau granted limited waivers to some smaller operators are 'not applicable' to Evolution. This alone is a strong reason to deny the petition, not to grant it."²⁷

As the impetus for this argument, CEA cites a footnote in the *Petition*, wherein Evolution Broadband noted that "[t]he Commission's waiver for BendBroadband was conditioned on the company meeting certain deployment and customer notification milestones that are not applicable here."²⁸

Here, CEA's argument fails as a *non sequitur*. The BendBroadband conditions include transitioning to an all-digital cable system by February 17, 2009 and notifying subscribers of the transition.²⁹ Evolution Broadband is an equipment manufacturer, not

which cannot access features such as EPGs, VOD, PPV, and other ITV capabilities provided by cable operators.").

²⁷ *Opposition* at 5-6.

²⁸ *Id.* at note 10; *Petition* at note 22.

²⁹ *In the Matter of Bend Cable Communications, LLC d/b/a BendBroadband, Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, Memorandum Opinion and Order, 22 FCC Rcd. 209 at ¶ 27 (2007) ("*Bend Broadband Order*"). The conditions also include filing an affidavit

a cable operator. Evolution Broadband has no cable system to convert. It has no subscribers to notify. Accordingly, there is no logical linkage between the BendBroadband waiver conditions and the waiver requested in the *Petition*.

This Commission must dismiss CEA's fallacious argument.

CEA's claim:

"The Evolution petition describes the product in question as doing 'little more' than convert digital programs for analog viewing. This description is insufficient to assess, among other things, whether this product or its successors will have attributes that are denied to competitive products made under the DFAST license that was part of the 2002 "Plug & Play" agreement..."³⁰

Yet another red herring from CEA. The DFAST license provides manufacturers with the intellectual property to build devices that will accommodate a CableCARD.³¹ If the DMS-1002 and DMS-1002-CA accommodated CableCARDS, Evolution would have no need to file this waiver request in the first place. Therefore, there is no requirement to assess whether or not the DMS-1002 and DMS-1002-CA have attributes not included in products made under the DFAST license.

with the Commission attesting that these conditions have or will be met, and attesting that the cable operator has sufficient set-top box inventory to transition to an all-digital network. *Id.*

³⁰ *Opposition* at 7.

³¹ *See, e.g., In the Matter of: Implementation of Section 304 of the Telecommunications Act of 1996*; Second Report and Order, 20 FCC Rcd. 6794 at ¶ 15 (2005).

CEA's claim:

"...[T]he Commission is being asked to give...an essentially permanent waiver without a single obligation or statement of intention on the part of any cable operator as to actual use, deployment, licensing, or support of competitive devices."³²

As a last-ditch maneuver, here CEA has invented yet another non-existent regulatory hurdle to be overcome.

Even if this were a requirement for a waiver of Section 76.1204(a)(1), the record is clear – cable operators are aggressively using, deploying, licensing and supporting CableCARD compatible devices. They have deployed over 6.2 million in the less than one year since the Integration Ban went into effect!³³

III. Conclusion

Lacking a single substantive reason to oppose Evolution Broadband's waiver request, CEA resorts to red herring arguments, inaccurate claims, and inventing regulatory requirements that do not exist anywhere in the Commission's rules or orders. The Commission should reject this transparent attempt by CEA to interfere with low-cost technology aimed at extending the utility of analog TVs and facilitating the transition to digital services. Instead, the Commission should grant Evolution Broadband's requested waiver. The waiver is necessary for cable operators serving smaller and rural markets to transition to all-digital systems so that they may provide new and improved video and other advanced services to subscribers in these markets. Moreover, the waiver is in the public interest as it will allow smaller-market and rural subscribers the same access to digital services enjoyed by large-market consumers.

³² *Opposition* at 7-8.

³³ *See* p. 8 and note 24, *supra*.

Respectfully submitted,

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Exhibit 1
Conax Licensees

Set-Top Box Manufacturers Licensing Conax Security

27M technologies AB
A2B Electronics AB
A2i Co., Ltd.
Access Devices Digital Ltd.
Access Media s.p.a.
Advanced Digital Broadcast SA
All
Alticast Corp.
Amino Communications Ltd
AMT Co., Ltd
Arion Technology Inc.
ARMAS COMPUTER CORP.
Askey Computer Corp.
Aston Group
Allanta DTH Inc.
Beijing Fosp Optoelectronics
Beijing Haier Info-Tech Co., Ltd
Beijing Tiside Electronics Design Co.,Ltd
Beijing Topreal Technologies Co., LTD
Beijing Unitend Technologies Inc.
Beyondwiz Co., Ltd.
Bharat Electronics Ltd.
Bitwise Technologies Ltd
Broadcom Corporation
Broadcom India Pvt Ltd.
CEC Huada Electronic Design Co., Ltd.
Celun Co.,Ltd
Cheertek Inc.
Conexant Systems, Inc
Cycle Century Digital Technology
DALIAN DAXIAN NETWORK SYSTEM CO.,LTD.
DARI TECH Co., Ltd
Dellacom Electronics Ltd
DG2L Technologies India Pvt Ltd.
DGStation Co., Ltd.
Digital Multimedia Technology Co., Ltd.
Digital Telemedia Co., Ltd
DigitAll World Co.,Ltd.
Dizipla Inc.,
DMCAST CO., LTD.
Dongwon Telecom Co. Ltd
Dot Technology Int'l Co., Ltd.
Eastern Electronics Co., Ltd
E-Tek Co., Ltd.
Evolve Digital Solutions Ltd.
Federal State Unitary Enterprise Frunze Factory
Force No. AS
Fortec
Fortis, Inc.
Frunze
FTA Communication Technologies S.à.r.l

Fujitsu Microelectronics Europe GmbH
Futarque A/S
GENIX InfoComm Co.,Ltd.
Genus Overseas Electronics Ltd.
Global Technologies Inc.
GlobalSat Electronic Technology Limited
Golden Interstar GmbH
Gospell
Handan Broadinfocom Co.,Ltd.
Hirschmann Electronics Benelux b.v.
Hisense Electric Co.,Ltd
Hitop Communications Corp.
Homecast Co., LTD.
Huawei Technologies Co., Ltd.
Hub Tech Co., Ltd.
Humax Electronics Co. Ltd
Hutro Corporation
Hyundai Digital Technology Co. Ltd
I Plus
IDway SAS
ILINKONE Co., Ltd
Infinite Stream Co., Ltd.
INTEGRA TELECOM CO., LTD.
INTEK DIGITAL Inc.
Intelligent Digital Services GmbH
Interactive Television Technologies
IntraLinks Co., Ltd.
Inventec Electronics (M) Sdn. Bhd.
I-Plus Technologies CO Ltd.
Irumtek Co. Ltd.
Iwedia Technologies
JiangSu YinHe Electronics Co., Ltd.
JIWU MEDIA CO., LTD
Kaon Media Co.,Ltd
Kathrein-Werke KG
Kjaerulff1 AS
KONKA Group Co.,Ltd
Kreatel Communications AB
LaSAT Landkammer Satellitenempfangstechnik GmbH
LINETRON IP Ltd.
Maná Igreja Cristã
Marusys Co., Ltd.
Mascom GmbH Germany
MASON TECHNOLOGY CO.,LTD.
Mico Technology (Shenzhen) Limited
Micronas GmbH
Motorola Ltd.
Mototech Inc.
Nano-Space Co., Ltd
NEC Electronics (Europe) GmbH
NEOTION SAS
NescoLogic Corporation

Neta Elektronik AS
NewMedia Solutions Pte Ltd
NEXS Digital Co., Ltd.
NOKIA CORPORATION
Ocillon IPTV Technologies GmbH
ONE-O-ONE SOLUTIONS Inc.
OPENTECH INC.
OpenTV
Ortikon Interactive Oy
Osmosys SA
Pace Micro Technology plc
Pacific Satellite International Ltd.
PBI Beijing Jaeger Communication Electronic technology Co. Ltd.
Philips CE, BLC Digital Videop Set Top Boxes
PHILIPS Semiconductors
Prime Electronics & Satellitics Inc.
QINGDAO HAIER ELECTRONICS CO., LTD
Quantum Spa
Radix Inc.
RSD Communications Ltd.
S Net Systems Inc.
SAGEM COMMUNICATION
Samsung Electronics Co Ltd
Samsung Electronics Polska Sp. z o.o.
Sandmartin (Zhong Shan) Electronic Co., Ltd.
SBLabs, Inc.
SC Trigital
Scopus Network Technologies
SENERGY Ltd
Shanghai DareGlobal Info Tech Co., Ltd.
Shenzehn Netelectronic Co., Ltd.
Shenzhen Advanced Video Info-Tech Co., Ltd.
Shenzhen AV Frontier Electronic Technology Development Co., Ltd.
Shenzhen Coship Electronics Co., LTD
ShenZhen Dehoo Technology Company Limited
Shenzhen Keybridge Communications Co., Ltd
ShenZhen Long&Tai Digital Technology Co., Ltd
SHENZHEN MAIWEI CABLE TV EQUIPMENT CO., LTD
Shenzhen Malata Digital Technology Co., Ltd
SHENZHEN SOWELL TECHNOLOGY CO., LTD.
Shenzhen State Micro Technology Co., Ltd.
SHENZHOU ELECTRONIC CO., LTD.
Sichuan Changhong Network Technologies Co., Ltd.
Sichuan Jiuzhou Electronic Technology Co., Ltd.
Skardin Industrial UK Ltd
Skyworth Digital Technology (Shenzhen) Co. Ltd.
SmarDTV
Star Communication Network Technology Co., Ltd.
Stellar Interactive Media Pvt. Ltd.
Sunniwell Broadband Network Information Technology Ltd.
Sunplus Technology
Tandberg Television Ltd.

TECATEL S.A.
TechniSat Digital GmbH
Technosat Trading L.L.C.
TechnoTrend AG
Telecard-Pribor, Ltd
Telegent GmbH
TELELYNX INC.
Telsey Spa
The Fortec Group Inc.
THOMSON Multimedia Digital France
Tianjin Topbroad Microelectronics Co.,Ltd
Tilgin AB
TOEC TECHNOLOGY CO.,LTD
Tonic Electronics Limited
Topfield Co. Ltd
Triumph Technology CO.,LTD
TSINGHUA TONGFANG LEGENDSILICON TECH. CO., LTD.
Tunercom Technology Co., Ltd
TwinHan Technology Co., Ltd.
Ubicod
UEC Technologies (Pty) Ltd
Unitend
Valvecs Holding PLC
VBox Communications Ltd
Vegatech Co.,Ltd
Velue Electronics
Vestel Komünikasyon Sanayi ve Ticaret A.Ş.
VICXON CORPORATION
Virtual Paper eMedia Solutions GmbH
VISSA ELECTRONICS SIA
Wela Electronic Handels GmbH
Widecast Technologies, Lda
Wilhelm Sihh jr. GmbH & Co. KG
Winners Satellite Electronics Corp.
Wisplus Inc.
Wistron NeWeb Corporation
Wonik Telcom Co., LTD.
WuHan High Dove Technology Vendor Co.Ltd
Zenterio AB
Zinwell Corporation



Conax Customers

Customers of Conax represent a variety of operators and content providers in more than 70 countries. The conditional access systems are in operation to protect content transmitted via satellite, cable and terrestrial networks, and on both DVB and IP platforms. A common decisive requirement for all the clients is that the conditional access system of their choice has to fully and reliably protect their content, and thereby secure the customer's revenue stream.

CABLE OPERATORS:

- Wight Cable, UK
- Telenor Avidl, Norway
- Vaasa Cable, Finland
- Turku Cable, Finland
- Tampere Cable, Finland
- Suomen 3ktv, Finland
- LIWest, Austria
- Volia Cable, Ukraine
- Helsinki Television, Finland
- Norsk Kabel TV, Norway
- MKB, Sweden
- KRS Rotovž, Slovenia
- KRS Tabor, Slovenia
- Ljubljanski Kabel, Slovenia
- Elektro Turnšek, Slovenia
- Telenor Vision Digital A/S, Denmark
- Evrotur SAT TV, Bulgaria
- Bosch Breitbandnetze, Germany
- TeleColumbus, Germany
- Cablecomm Services, India
- Essel WWIL, India
- Iceland Telecom, Iceland
- Teleinform Group, Russia
- com hem AB, Sweden
- Martens Antennen- und Kabelanlagen, Germany
- EWT / TSS, Germany
- Balticum TV, Lithuania
- Broadcasting and TV Center of Shengli Oil Field, China
- Binzhou Broadcasting & TV network Company, China
- Shenzhen Zhenhua Hi-tech Electronic Co., Ltd., China
- TBW, Switzerland
- Saigon Tourist Cable Television, Vietnam
- Satcomm, Pakistan
- Telekompaniya Sankt-Peterburgskoye Kabelnoe Televidenie, Russia
- Türk Telekom, Turkey
- CASCY Cablevision, Ireland
- Regionalantenne Frauenfeld AG, Switzerland
- Karneval Media, Czech Republic
- KCTV JeJu Cable, Korea
- Starman, Estonia
- Elion Ettevoted AS, Estonia
- Book Busan Cable, Korea
- CMB DMC, Korea
- Besonet, Switzerland
- Tella MultiCom, Latvia
- Saigon Tourist Cable Television, Vietnam
- Telewizja Kablowa Poznan (TKP), Poland
- Tesat Telewizja Kablowa, Poland



- T-kabel, Hungary
- Tianjin TV & Broadcast Network Co., Ltd., China
- Winogradzka Telewizja Kablowa, Poland
- STV Cable, Estonia
- SCTV, Vietnam
- Adelfia Comunicações S.A., Brazil
- Airecable, Mexico
- AKF Telekabel GmbH, Germany
- Antesa AG, Switzerland
- Cabovisão, Portugal
- Eward Antennenbau AG, Switzerland
- Mariehamns Centralantenn AB, Finland
- Telesystem Tirol, Austria
- MatávkaTV kft., Hungary
- Satro s.r.o., Slovakia
- Telia Sonera Corporation, Finland
- Telius d.o.o., Slovenia
- Wilhelm.Tel, Germany
- RN-Medlagroup, Bulgaria
- Datong Digital TV Co., Ltd, China
- P.T. Mentari Multimedia, Malaysia
- Toya Sp. Z.O.O, Poland
- Volga Telecom, Russia
- HFC Technics Ltd., Hungary
- Init Corporation UAB, Lithuania
- Nor-Del Cablevision Limited, Canada
- Astanet, Poland
- DCS, Switzerland
- Srishti Cable Networks, India
- Digicable Network, India
- TeleRed, Argentina
- Home Cable Entertainment India Pvt. Ltd, India
- JPR Network Pvt. Ltd., India
- Viacabo Pelotas, Brazil
- Sprint Nextel, USA
- MSM Tourin, Poland
- Silver Line Broadband Services Pvt. Ltd., India
- A.M.B.C., India
- CabelCable, Canada
- Keumgang Cable Networks, South Korea
- PTT KBS, Serbia
- TV Tel, Portugal
- Grudziadz, Poland
- KFN Kabelfernsehen Nidwalden AG, Switzerland
- Coaxial Cable TV, USA
- Kabelkon Kft., Hungary
- Transilvania Digital Network S.A, Romania
- Wasser und Elektrizitaetswerk der Gemeinde Buchs (EWB), Switzerland
- Cable Television Network (Parklands) Ltd., Kenya
- KCN, Korea
- KLABS, Korea
- Petrus, Poland
- Fibernet Communications Ltd., Hungary
- CableTel, Bulgaria
- EuroCom (Fibernet), Bulgaria
- Intelvision, Seychelles
- Haldon SP. Z.O.O, Poland
- Telekabel, Macedonia



- ATK, Russia
- Telkab, Poland
- MorairaTV, Spain
- Multivision Network Pvt. Ltd., India
- Spray, Poland
- Anqing, China
- Daqing, China
- Hebel, China
- Rubicon, Hungary
- STAR, Poland
- Intercable, Canada
- RET-SAT1, Poland
- Telerena, Latvia
- OPTISIS/Kabel d.o.o, Montenegro
- Cablevision, Argentina
- TPO (Tail Technologies), Argentina
- SUN Communications, Moldova
- Digicable Network, India
- Bangla Networks, India
- Stella, Poland
- TELKAB, Poland
- Wataen, Pakistan
- TV Max, USA
- B.net, Croatia
- Telpol, Poland
- KMS Munich, Germany
- TVN, Brazil
- Amogh Cable, India
- Yanquan cable, China
- Shanghai Zhongda Information Enterprise Development Co., Ltd., China
- Romerike Multimedia AS, Norway
- AKTV, Russia
- Bashinformsvayz (Telco Group), Russia
- Hertzinger Satelliet Ontvangst BV, The Netherlands
- Salten Bredbånd, Norway
- Teleste, Spain
- SaeroNet, Korea
- Scansatec, Lithuania
- Electronic Telecommunication Informatic, Vietnam
- Cabo Telecom, Brazil
- NBC Universal, USA
- Kangwon Cable Networks, Korea
- BUGA, Poland
- SM Slowianin, Poland
- MASTER, Poland
- Evolution, USA
- Multicanal, Argentina

DTT/MMDS:

- Digita OY, Finland
- Norkring AS, Norway
- TELE Greenland, Greenland
- P/f Televarpið, The Faroe Islands
- MDS, France
- Digitenne, The Netherlands
- Southern Networks Limited, Pakistan
- Computer Line, Brazil



- Top Channel, Albania
- Balticum TV, Lithuania
- KPN, The Netherlands
- Icelandic Broadcasting Corporation, Iceland
- World on Wireless Ltd., Bermuda
- U Telecom Media, Malaysia
- BTL Communication, Hong Kong
- EdlOnWeb/ContoTV, Italy
- BaltkomTV, Latvia
- Pearl TV, Uganda
- Malivision, Mali
- Multiplus Ltd., Malta
- Thai TV, Thailand
- Portal Tradenet (Pt Mentari Multimedia), Indonesia
- DMT, Italy
- ...st Television Ltd., Ireland
- M...atos TV UAB, Lithuania
- SacFilm Sp. Z.O.O, Poland
- VIDaNet Zrt., Hungary
- Levira AS, Estonia
- Digi TV Plus Oy, Finland
- ZeeNet FZCO, Dubai
- Levira, Poland
- Canal Sagui, Guinea
- ...O, Lithuania
- B...K, ...and
- RT... Radio Television Malaysia), Malaysia
- Global Broadcasting & Multimedia, Philippines
- Multivision, Bolivia
- Grupo Bolero, Argentina
- ProTV SA, Romania
- Ultravision, Mexico
- Echostar, Poland
- Multivision SA, Bolivia
- Cablevision, Argentina
- Alpha Tele, Cameroon
- SUN Communications, Moldova
- GTV, Brazil
- Weststar TV, USA
- UTS/TDS, Curacao
- Ultravision, Mexico
- HD Platform Kft., Hungary

IP OPERATORS:

- TEO LT AB, Lithuania
- Telenor Svalbard, Spitzbergen
- Tele2Vision, Sweden
- RTK, Kosovo

SATELLITE OPERATORS:

- Telenor Broadband Services, Europe
- Deutsche Telecom, Germany
- YLE, Finland
- Telenor UK Ltd., UK
- Canal Digital, Norway
- Canal Digital, Sweden



- Canal Digital, Denmark
- Canal Digital, Finland
- Kingston Inmedia, UK
- NBC, Namibia
- DKM Brunstad, Norway
- TVN, Poland
- Maxisat OY, Finland
- Igreja Mana, Portugal
- Adisam Telecom, Romania
- Turner Broadcasting System, Inc., Hong Kong, China
- Essel Dish TV, India
- Interactive Technologies, Bulgaria
- ACTI, USA
- ZAP TV, Chile
- Apollo, Philippines
- Communication Trends Network Ltd, West Africa
- Pittsburg International Communications, USA
- Frontage Satellite Television, West Africa
- Bennett, Coleman & Co., India
- Channel Guide, India
- RTK, Kosovo
- Sagatek, Taiwan
- Shenzhen Zhenhua HI-Tech. Electronics Co., Ltd., China
- CNBC Satellite Channel, India
- SGA News Limited, India
- Times of India, India
- Combostar, China
- Integrated Subscriber Management Services Ltd. India
- Independent News Corp., Dubai
- Focus Sat, Romania
- Igreja Mana, Brazil
- Canal Europe Audiovisuel, Luxemburg
- MTV, Germany
- Digital Cable Systems S.A., Romania
- Ricor ITV, Russia
- Chapters Digital Television Ltd., United Kingdom/Nigeria
- JSAT, Japan
- Deutsche Welle, Germany
- CYO International Inc, The Philippines (DTO)
- Athina Sat TV, Cyprus
- Amalgamated Racing Ltd., UK
- Asianet, India (DTO)
- NSTPL, India (DTO)
- Gsat, Philippines
- Mediatech, Hungary
- Telemex, Chile
- Telemex, Peru
- Telemex, Ecuador
- Hellas SAT, Hellas
- HD Platform Kft., Hungary

Certificate of Service

I, Jeremy M. Kissel, attorney with the offices of Cinnamon Mueller, certify that on June 26, 2008, I caused a true and correct copy of the Reply Comments of Evolution Broadband to be served via first class mail to the following:

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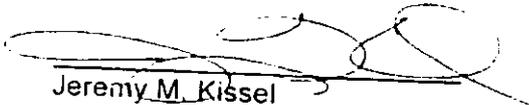
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