

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Cablevision Systems Corporation's Request
for Waiver of 47 C.F.R. § 76.1204(a)(1)

CSR-7078-Z
Docket No. 97-80

To: Chief, Media Bureau

Request for Extension of Waiver

Pursuant to Sections 1.3 and 76.7 of the Commission's rules, 47 C.F.R. §§ 1.3, 76.7, and Section 706 of the Telecommunications Act of 1996, Cablevision Systems Corporation ("Cablevision") requests a limited extension of the waiver granted in this proceeding in a Memorandum Opinion and Order ("Order") dated January 10, 2007, in order to complete the implementation of an open standard downloadable security solution that supports third party retail devices.¹

In 2005, the Commission described downloadable security as the preferred path of complying with the Commission's separable security rules.² More recently, the Commission reiterated that an MSO that deploys an open-standard, downloadable security solution is in

¹ *Cablevision Systems Corporation's Request for Waiver of Section 76.1204(a)(1)*, DA 07-48, 22 FCC Rcd 220 (2007) ("*Cablevision Waiver Order*"). The Bureau has previously granted extensions of other integration ban waivers within the same docket, rather than requiring a request for a new waiver. See, e.g., *James Cable, LLC, RCN Corporation, WideOpenWest Finance, LLC, Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, CSR-7216-Z et al., Memorandum Opinion and Order, DA 08-1632 (rel. July 10, 2008).

² *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, FCC 05-76, 20 FCC Rcd 6794, ¶ 31 (2005).

compliance with the separate security rules.³ Cablevision intends to comply with the Commission's rules by implementing just such a downloadable security solution. Doing so will advance the Commission's goal of creating a retail market for third party devices in the most cost effective manner. As the Commission has found:

We recognize ... that the development of set-top boxes and other devices utilizing downloadable security is likely to facilitate a competitive navigation device market, aid in the interoperability of a variety of digital devices, and thereby further the DTV transition. We also recognize that software-oriented conditional access solutions currently under development may allow common reliance by cable operators and consumer electronics manufacturers on an identical security function without the potentially costly physical separation of the conditional access element.⁴

Cablevision has already begun development and testing of its downloadable security solution, and will commence commercial orders and implementation spring 2009, before its current waiver expires. However, because of the complexity of migrating existing security systems to the new, open, downloadable platform, it will take until the end of 2010 before this implementation is complete, when all new set top boxes will operate on the downloadable security system. Cablevision therefore requests a limited extension of its waiver, from July 2009 to December 2010, to enable it to complete deployment of its open-standard downloadable security system. Cablevision is committed to completion of this implementation, and is prepared to meet specific, enforceable milestones, over the additional eighteen months.

³ Public Notice, Commission Reiterates that Downloadable Security Technology Satisfies the Commission's Rules on Set-top Boxes and Notes Beyond Broadband Technology's Development of Downloadable Security Solution, DA 07-51 (Jan. 10, 2007).

⁴ *Implementation of Section 304 of the Telecommunications Act of 1996*, FCC 05-76, 20 FCC Rcd. 6794, at ¶ 3 (2005).

Cablevision has dedicated significant resources to identifying and helping to develop an open standard downloadable security solution that would provide it with vendor independence.⁵ After evaluating several downloadable systems, Cablevision ultimately determined that third party security vendor NDS was the most secure and widely available system.

When deployed by Cablevision, the NDS downloadable security system will meet the criteria laid out by the Commission in its orders regarding separable security and common reliance. NDS is committed to making available the NDS key ladder and related security components to any vendor that wishes to deploy the system on an open basis. The NDS secure key ladder is already available in video-decoder semiconductors offered commercially by ten manufacturers (including Broadcom, STMicroelectronics and Conexant), offering over 60 models of chips to manufacturers of DTVs, set-top boxes, and personal computers for video decoding, digital media, and “system-on-a-chip” operations. When connected to a network (like Cablevision’s) designed for downloadable security, the network can use those existing keys to download a security client matched to the network’s security. The technique is already in commercial use internationally, in Germany, Korea, and Cyprus. The keying technology is being licensed by NDS without charge.

This downloadable security solution also harmonizes with CableCARDS and tru2way technology. Cablevision will continue its support of CableCARDS and has previously agreed to deploy tru2way technology and to support tru2way retail devices on its system.⁶ A tru2way TV

⁵ The Commission has granted companies waivers to provide time to adjust their technology, “preferably” towards a conditional access technology that is “downloadable ... based on open standards.” *Consolidated Requests for Waiver of Section 76.1204(a)(1) of the Commission’s Rules*, DA 07-2921 22 FCC Rcd 11780 at ¶ 61 (2007).

⁶ Cablevision is a party to the binding Two-Way Memorandum of Understanding reached this year among major CE and IT companies and the six largest cable operators, laying out how tru2way technology will be deployed in cable networks and retail navigation devices.

with the NDS-licensed keys in its chips may utilize its CableCARD slot in one part of the country and, when moved to the Cablevision network, either use a CableCARD or have security downloaded directly to its internal chip.

Cablevision is committed to begin implementation of this technology immediately for its own set top boxes and for third party vendors ready to deploy open-licensed security keys, as it migrates existing security systems to the new, open, downloadable platform. Cablevision will commence deployment of downloadable security set top boxes in one-third of Cablevision's service area (as shown in Attachment A) based on this open standard by July 1, 2009, when its waiver is now set to expire. Further, Cablevision is committed to completing the transition to downloadable security throughout its service area by September 2010, and after December 31, 2010, all new set top boxes deployed by Cablevision will employ the open, downloadable security specification described in this petition. Specifically:

- Cablevision will begin deployment of its downloadable security solution in headend equipment and in set-top boxes in a substantial portion of its service area ("phase I") by July 1, 2009, when its current waiver is now scheduled to expire. Cablevision is currently working with Samsung and LG Electronics on beta set-top boxes using downloadable security and expects to bring these set-top boxes out of the lab and to begin field-testing in the first quarter of 2009.
- These set-top boxes will utilize tru2way technology and the NDS open key ladder embedded in their video decoder chips to support the downloadable NDS conditional access client. Cablevision intends to begin making these set-top boxes available to customers by July 1, 2009 in the phase I service area (on Long Island and within parts of New Jersey). Cablevision will also support downloadable security in third-party devices capable of using the same solution in of the phase I area our footprint, at the same time. All new set-top boxes deployed in this area after December 31, 2009 will incorporate downloadable security.
- Cablevision will commence deployment and support downloadable security throughout the remainder of its service area (phase II) by September 2010, for its own set top boxes as well as for third party devices capable of using the same solution.

- All new set top boxes deployed in the entirety of Cablevision's footprint after December 31, 2010 will incorporate downloadable security, and Cablevision will support downloadable security in third party devices capable of using the same solution.

Cablevision is prepared to support these commitments with specific, enforceable milestones, as set forth in Attachment B.

Cablevision therefore respectfully requests that its waiver be extended through the completion of the deployment of its downloadable security solution, until year-end 2010. An extension of the current waiver is appropriate and required to permit Cablevision to pursue this program. If Cablevision were not able to obtain the requested extension of its waiver, its downloadable security transition would have to be postponed because Cablevision would be forced to turn its attention to rebuilding its Smart Card implementation to be able to use CableCARDS. This otherwise unnecessary extra transition step would cost significant amounts of money that Cablevision would be forced to pass on to subscribers. It would also be disruptive for consumers since any transition is likely to have technical and operational implementation issues. It would be counterproductive to saddle consumers with these costs and problems when doing so will only delay Cablevision's ability to implement a downloadable security solution that the Commission recognizes as superior to CableCARDS.

The Commission has previously found that:

[i]f the ban were to go into effect [before downloadable security could be deployed], this would, as a practical matter, impede the development of a less expensive and more flexible system for both protecting system security and creating a consumer product interface, as resources would be diverted from producing a downloadable security system to physical separation of the security element from set-top boxes.⁷

⁷ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, FCC 05-76, 20 FCC Rcd 6794, ¶ 31 (2005).

In this instance, the case for a deferral is even more compelling, because unlike in prior cases where extensions were granted, the Commission has found that Cablevision's existing framework – which was the first to adopt and deploy a system of separable security – is already furthering the goals of Section 629.⁸

Accordingly, good cause exists to grant an extension of Cablevision's existing waiver for an additional 18 months, to December 31, 2010. If the current waiver were extended for this limited period, Cablevision would be willing to provide interim reports to the Commission on milestones in its development of this downloadable security solution.

Cablevision therefore respectfully requests that the Commission extend the waiver previously granted in this proceeding by 18 months, to December 31, 2010.

Respectfully submitted,



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November 26, 2008

⁸ *Cablevision Waiver Order*, ¶ 20.

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DECLARATION OF JIM BLACKLEY

1. My name is James Blackley. I am Senior Vice President, Corporate Engineering and Technology, for Cablevision Systems Corporation. I am familiar with Cablevision's network and services, including its use of set-top boxes to provide digital cable services.

2. I have read the forgoing Request for Extension of Waiver, and declare under penalty of perjury that the facts contained therein and in this Declaration are true and correct to the best of my knowledge, information, and belief, and that I am authorized to give this Declaration on behalf of Cablevision.

ATB

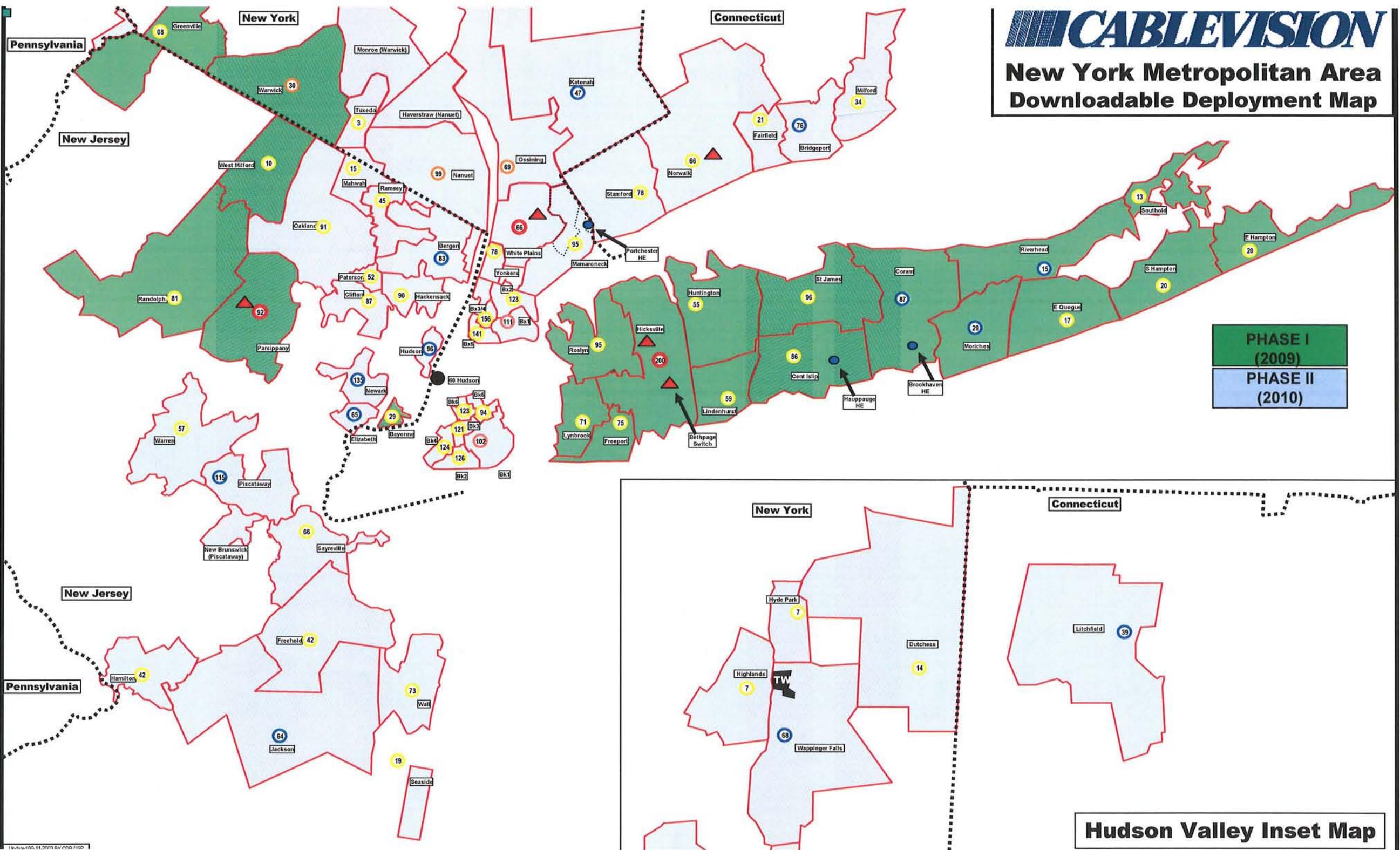


Jim Blackley
Senior Vice President, Corporate Engineering and
Technology
Cablevision Systems Corporation
Executed November 26, 2008

Attachment A

Cablevision Service Area Map Showing Planned
Phased Deployment of Downloadable Security

New York Metropolitan Area Downloadable Deployment Map



Hudson Valley Inset Map

Attachment B

Proposed Milestone Commitments for
Downloadable Security Deployment

Attachment B
Milestones

<u>Commitment</u>	<u>Date</u>
1. Cablevision to have placed orders for STBs incorporating NDS K-Lad for deployment in Phase I.	April 1, 2009
2. Cablevision to have commenced commercial use of downloadable security in Phase I.	July 1, 2009
3. All new set top boxes deployed in Phase I areas will incorporate downloadable security.	December 31, 2009
4. Cablevision to have placed orders for STBs incorporating NDS K-Lad for deployment in Phase II.	June 1, 2010
5. Cablevision to have commenced commercial use of downloadable security in Phase II.	September 1, 2010
6. All new set top boxes deployed in Cablevision's footprint will incorporate downloadable security.	December 31, 2010

Cablevision is confident it will meet these commitments. In the unlikely event that Cablevision misses a commitment, it will pay a penalty of \$5,000 per day.