

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

In the Matter of

Guiness Communications Inc. d/b/a Delta  
Cable Vision Request for Waiver of  
47 C.F.R. § 76.1204(a)(1)

CSR-7202-Z

**SWORN DECLARATION OF LARRY BOULÉ**

1. My name is Larry Boulé. I am the General Manager of the Delta Cable division of Persona Communications Inc. f/k/a Delta Cable Communications Ltd., and have responsibility for the operations of Guinness Communications Inc. d/b/a Delta Cable Vision ("Delta"), its U.S. subsidiary providing cable services in Point Roberts, Washington. Point Roberts is not connected to the continental United States, but is instead a five-square mile area of land at the southern tip of the Tsawwassen Peninsula of British Columbia, Canada. It is surrounded by water on three sides and Canada on the other, so is only reachable by land from Canada.

2. In a Memorandum Opinion and Order ("Order") issued in this proceeding on June 29, 2007, Delta received a waiver from the integration ban that relieved it of the prohibition on deployment of new integrated-security digital navigation devices, on the condition that Delta Cable transitioned its system to all-digital.

3. At the time that Delta sought and received its waiver, and at all times since the Order, Delta's cable system has been entirely analog. All of the navigation devices deployed by Delta employ conditional access mechanisms only to access analog video programming, are capable only of providing access to analog video programming offered by Delta Cable, and do not provide access to any digital transmission of multichannel video programming or any other digital service through any receiving, decoding, conditional access, or other function, including any conversion of digital programming or service to an analog format. Delta's counsel has accordingly advised that the integration does not prohibit Delta's deployment of these devices even without its waiver, pursuant to Section 76.1204(f) of the Commission's rules.

4. Delta sought its waiver because it had hoped to deploy digital cable services, and an integration ban waiver was an essential component of such a plan. However, Delta has now determined that it is unable even with the waiver to complete a digital transition by February 17, 2009. Unfortunately, due to the continuing high price of CableCARD set-top boxes, Delta's only viable alternative to transitioning to all-digital is to offer no digital services at all. Therefore, by this Declaration, it is informing the Commission that it will not rely on waiver set forth in the Order. Delta has informed its customers that they will not need a set-top box to continue to receive services at this time.

Because Delta has not deployed any devices that are prohibited by the integration ban, no remedy is necessary to address devices deployed by Delta during the period between the Order and this Declaration.

5. I declare under penalty of perjury that the facts contained 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 Delta Cable. This Declaration supersedes the Declarations filed by Delta in this proceeding on July 6, 2007 and February 15, 2008.



---

Larry Boule  
General Manager  
Delta Cable Vision  
5381 48<sup>th</sup> Ave.  
Delta, BC V4K 1W7

Dated: January 8, 2009