

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

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In the Matter of)	
)	
Cablevision Systems Corporation)	
Petition for Waiver of Section 76.630(a))	
of the Commission's Rules As Applied)	MB Docket No. 09-168
to Cablevision's New York City All-Digital)	
System)	
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COMMENTS OF RCN TELECOM SERVICES, INC.

RCN Telecom Services, Inc. ("RCN"), by undersigned counsel, submits its comments in response to the Commission's Public Notice in the above-captioned matter.¹ RCN supports Cablevision's request to allow encryption of the basic tier of an all-digital transmission platform and requests that the Commission extend such waiver to other cable and open video system operators for their all-digital systems. Grant of such a waiver will clearly improve customer service by enabling customers to activate, upgrade and terminate service without appointments and delay, eliminate costly and environmentally unfriendly truck rolls, avoid the potential for theft of cable service and provide improved intellectual property protection for digital and HD content.

RCN provides cable and open video system services in areas in and around Boston, Chicago, Lehigh Valley and suburban Philadelphia, Pennsylvania, New York City and Washington, D.C., and primarily serves subscribers in multiple dwelling units ("MDUs"). RCN

¹ *Cablevision Systems Corporation Petition for Waiver of Section 76.630(a) of the Commission's Rules As Applied to Cablevision's New York City All-Digital Systems*, MB Docket No. 09-168, DA 09-2094 (September 23, 2009).

has been actively converting its markets to an all-digital transmission platform and expects to complete the digital conversion of all of its markets by the end of 2009. RCN's expanded basic subscribers are now receiving more than double the number of channels they previously received. The digital system provides a much more efficient use of spectrum and allows RCN to offer many new channels and cutting-edge features.

For example, customers on the all-digital system enjoy many more channels of high definition programming and new standard definition channels (such as RCN Global passport which allows it to provide new international special interest channels to subscribers), video-on-demand (VOD) services, self-help channels, and interactive channel guides. Indeed, the conversion has allowed RCN to essentially double its standard digital and HD line-up. As such, RCN's customers are now receiving far greater value for virtually the same price as their former analog service. Indeed, the price for the limited basic and expanded basic tiers of service did not change as a result of the digital conversion, but as a result of this change the expanded basic tier of service consisting of 80 analog television channels expanded significantly on the new digital expanded basic "Signature" tier. The number of additional channels varies slightly from market to market based on local sports and other local channels, but in the Washington market for example, Signature tier subscribers receive 153 channels of television and music and, with an HD set-top box, 46 HD channels (a total of 199 channels) for the same monthly price. So RCN's expanded basic subscribers are more than doubling the number of channels they receive for the same monthly rate, and even though these subscribers will need a set-top box or CableCard to view the digital network, they are receiving significantly greater value for their tier of service at the same price of the tier. This digital conversion has been well received by RCN subscribers.

The Commission should grant Cablevision's request for a waiver of the ban that prevents cable providers from encrypting or scrambling signals carried on the basic service tier² and allow encryption of the basic tier of an all-digital transmission platform. As explained below, granting a waiver to allow encryption of the digital basic tier will enhance network security by allowing providers to reduce and potentially eliminate unauthorized access. In addition, granting a waiver will allow cable providers to improve customer service by providing connection and disconnection remotely to reduce costs and wait times.

I. Encryption Will Improve Customer Service

Conversion to an all-digital platform allows cable providers to offer additional channels and features and customer service benefits. Specifically, providers converting to an all-digital platform have the ability to make certain service adjustments remotely. Digital platforms allow cable operators to routinely add and delete digital channels to and from the digital channel lineup, change QAM channel multiplex structures, and generally move digital channels and QAM multiplexes around in the RF frequency spectrum without interrupting services to the customer. Channel changes are completed by headend personnel and are typically totally transparent to the subscriber because digital channel numbers are virtual in nature and the channel map inside a subscriber set-top box or CableCard can be updated to reflect the channel change.

Granting a waiver to encrypt the digital basic tier will allow cable providers to connect and disconnect service remotely. Cable providers generally control access to their services, including the basic service tier, by connecting and disconnecting at the customer premises. Controlling access at the customer premises, particularly MDUs where there are many move-in

² 47 C.F.R. § 76.630(a).

and move-outs, means a cable provider must coordinate appointment times with the subscriber as well as the building supervisor and roll trucks to ensure service is operational and to prevent signal leakage and unauthorized access. Each of these actions - scheduling appointments, coordinating appointments, rolling trucks, and completing physical connection and disconnection at the customer premise - generates costs and creates opportunities for the cable service theft, especially at MDUs. Physically handling connection, disconnections, and even reconnections may also cause customer frustration because customers must schedule and then wait for the service visit. If access can be controlled centrally at the headend through the use of encryption technology rather than at the point of service, a cable provider can eliminate the need for physical service at the customer location and thereby speed response time to subscribers. It would also eliminate the cost to the physical environment generated by the needless deployment of trucks for every installation, disconnection and service change.

Encryption of all-digital programming, including the basic service tier, will allow cable providers to improve customer service by promptly handling most service requests and reducing costs. Subscribers will not have to wait for an appointment to be scheduled or the arrival of a technician because encryption of all-digital programming will allow cable providers to remotely complete connections and disconnections and handle other service requests. Subscribers will be able to call or email with a cable service request and conveniently obtain any necessary equipment like a set-top box or a CableCard by having it shipped to their home or picking it up directly. Cable providers will be able handle service requests remotely, which should lessen service costs because cable providers would not need to send trucks or personnel to complete requests. Granting a waiver to encrypt the digital basic service tier should increase response time

and reduce costs and allow subscribers to fully enjoy the benefits of an all-digital transmission platform.

II. Encryption Will Enhance Network Security

Unauthorized access or theft of cable signals has traditionally been a considerable problem in an analog cable network environment and may continue in a digital cable network environment. RCN, for example, has discovered cable service theft as high as 30% in some areas. RCN has also found instances of “black market” type businesses in MDU environments where individuals market and illegally distribute cable service to tenants throughout a building at significantly discounted rates as compared to the actual price. Ironically, RCN even experienced a number of cases during its all-digital conversion where non-subscribers called to complain that they were no longer receiving their cable signals and asked for a set-top box. Unauthorized access to programming by non-paying cable subscribers or by non-subscribers (*e.g.*, persons engaged in cable theft) creates a direct threat to maintaining recurring revenue streams by cable providers and therefore puts upward pressure on the rates that they must charge their end user customers.

Encryption would reduce substantially the opportunity for unauthorized cable access by non-paying cable subscribers and by non-subscribers. In a digital environment, the technique used to prevent unauthorized viewing of digital cable content is the use of digital video encryption technology. This method encrypts content prior to being sent out to the subscriber, who is provided access to view subscribed content or channels using a digital set-top box or a CableCard. A cable provider might completely eliminate unauthorized viewing and cable theft if it is allowed to encrypt the basic service tier transmitted over an all-digital platform. Individuals would be unable to view encrypted basic tier cable service without a subscription. In contrast,

requiring a cable provider to leave the digital basic tier unencrypted opens the door for unauthorized viewing of cable content. Anyone with a QAM tuner enabled television and access to the cable operator signal might obtain unauthorized access to digital basic tier programming, unless a waiver is granted to permit encryption.

Encryption will also allow cable providers to assure broadcasters and other content providers that digital basic service tier programming is protected. Broadcasters generally want to be able to measure viewership, and encryption will ensure that programming is secure and accurately measurable. Protecting programming should also prevent content providers from moving content from the basic service tier to another, more secure distribution tier.

III. Conclusion

RCN supports Cablevision's request to allow encryption of the basic tier of an all-digital transmission platform and urges that the Commission grant similar waivers to other operators who have converted their cable system to an all-digital platform. Encryption of the digital basic tier will improve customer service by allowing cable providers to promptly and remotely handle connections, disconnections and other service requests and will reduce costs. Encryption of the digital basic tier will also enhance network security by reducing and potentially eliminating unauthorized access to digital programming by non-paying cable subscribers and by non-subscribers.

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Dated: October 22, 2009

CERTIFICATE OF SERVICE

I, Danielle Burt, hereby certify that on October 22, 2009, a true and correct copy of the foregoing Comments of RCN Telecom Services, Inc. was sent by first-class mail to the following:

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