

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

In the Matter of	)	
	)	
Advanced Digital Broadcast, Inc.	)	CSR
Petition for Waiver of 47 C.F.R. § 76.604(b)(4)	)	
	)	CS Docket No. 97-80
Implementation of Section 304 of the	)	
Telecommunications Act of 1996;	)	
Commercial Availability of Navigation Devices	)	

**PETITION FOR WAIVER**

Advanced Digital Broadcast, Inc., on behalf of Advanced Digital Broadcast, SA (“ADB”), pursuant to Section 629(a) and (c) of the Communications Act of 1934, as amended,<sup>1</sup> and Sections 1.3, 76.7, and 76.1207 of the Commission’s rules,<sup>2</sup> respectfully petitions for waiver of the Section 76.640(b)(4)(ii) requirement to provide an IEEE 1394 interface in video set top boxes. ADB seeks this waiver with respect to all set top box and set-back box High Definition models which include Internet Protocol (“IP”) connectors.

Headquartered at Geneva, Switzerland, ADB is a global provider of digital television products which deploys state-of-the-art digital television technology, including devices which support High Definition video programming. ADB manufactures a series of state-of-the-art digital set-top cable devices used with high definition advanced video programming services. More specifically, the ADB devices are comprised of both set-top box models and “set -back box” models in that they mount at the back of flat screen high definition televisions in a manner such that the boxes are not visible when viewed from the front of the television. ADB is a pioneer in set-back box design and technology.

---

<sup>1</sup> 47 U.S.C. § 549(a) and (c).

<sup>2</sup> 47 C.F.R. §§ 1.3, 76.7, and 76.1207.

Its current set-back model does conform with the IEEE 1394 standard as codified at Section 76.640(b)(4) of the Commission's rules (47 C.F.R. § 76.640(b)(4)). However, ADB has under development plans to soon introduce in the United States market a next generation of set-back boxes which will comply with the CableLab's OpenCable Specification of OpenCable Host Thin Chassis Device Core Functional Requirements (OC-SP-HOSTTC-CFR-I01-100122 "HostThinClient") issued January 22, 2010 and thereby will not utilize the IEEE 1394 standard as indicated in the specification. This next generation of set-back boxes will be superior to the current product in several important respects, including:

- Cost and Efficiency - the new models will not be reliant on the costly and inefficient chips which currently support the IEEE 1394 standard;
- Size - the new models will be smaller and lighter due to eliminating the IEEE 1394 standard;
- Power - the new models will require less power to operate than the current model which deploys IEEE 1394 technology;
- Heat - the new models will generate less heat and will improve reliability and longevity due to eliminating the IEEE 1394 standard.

In order to facilitate development of these advanced set-back boxes and to provide high quality innovative equipment into the U.S. video services market, ADB hereby requests waiver of the IEEE 1394 standard. This request is similar to those recently filed by other technology companies, including Motorola<sup>3</sup> and Intel.<sup>4</sup> For the same reasons as those set forth by Intel and

---

<sup>3</sup> Request for Waiver filed by Motorola, Inc., November 25, 2009.

<sup>4</sup> Petition of Intel Corporation of Waiver of 47 C.F.R. § 76.640(b)(4), filed October 9, 2009.

Motorola, as well as those articulated by the Commission in its Cable One Order,<sup>5</sup> grant of this waiver request would serve the public interest.

Significantly, the Communications Act itself requires the Commission to consult with industry standard setting organizations (such as the IEEE) to adopt regulations governing video navigation devices.<sup>6</sup> However, Section 629(c)<sup>7</sup> specifically directs the Commission to waive such regulations where necessary to assist the development or introduction of new and improved programming services, technology or products.<sup>8</sup>

Unlike many Commission rules which are presumptively in the public interest and for which waiver is warranted only in the most unusual circumstances,<sup>9</sup> the video equipment standard regulations required by Section 629(a) specifically contemplate liberal waivers based on changes in technology and to facilitate the introduction of new and improved products and services.

ADB is among the video navigation device manufacturers whose technological advancements and innovative ideas and designs are driving the development of High Definition program services and Internet Protocol-based video products. In order to continue these advancements in consumer products and services, ADB respectfully requests waiver of Section 76.640(b)(4) so that it may bring to the U.S. market a new generation of set-back box devices

---

<sup>5</sup> In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices; Cable One's Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, 24 FCC Rcd 7882 (2009).

<sup>6</sup> 47 U.S.C. § 549(a).

<sup>7</sup> 47 U.S.C. § 549(c).

<sup>8</sup> Not only does Section 629(c) direct the Commission to waive such regulations, but requires that it act on such waiver requests expeditiously, *i.e.*, within 90 days of a waiver petition's filing.

<sup>9</sup> WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969); Northeast Cellular Tel. Co. v. FCC, 897 F.2d 1164 (D.C. Cir. 1990).

without being constrained by the IEEE 1394 standard -- a standard which was appropriate when adopted in 2003 but which has been surpassed in the subsequent seven years.

Respectfully submitted,

**ADVANCED DIGITAL BROADCAST, INC.**



Mitchell F. Brecher  
GREENBERG TRAURIG, LLP  
2101 L Street, NW  
Suite 1000  
Washington, DC 20037  
(202) 331-3100

*Its Attorneys*

March 1, 2010