

Congress of the United States
House of Representatives
Washington, DC 20515-4402

December 15, 2009

2050

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: Baja Broadband *Request for Waiver of 47 C.F.R. § 76.1204(a)(1)*, CSR-7111-Z

Dear Chairman Genachowski:

I am writing to request a status update regarding a petition filed by Baja Broadband, a small cable operator serving constituents in my Congressional district.

It is my understanding that Baja has applied for a limited, partial waiver from the "integration ban." Baja has said it has stopped offering high-definition and digital video recorder devices in many of its markets as a result of its inability to purchase lower-cost refurbished devices. As you know, in Section 629(c) of the Communications Act, as revised by the Telecommunications Act of 1996, Congress required the Commission to grant waiver requests of its navigation device rules "within 90 days of filing if an appropriate showing has been made."

Therefore, I request your assistance in securing a timely response to my constituent's request. Thank you for your consideration of this request.

Sincerely,



JIM MATHESON
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

June 9, 2010

The Honorable Jim Matheson
U.S. House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515

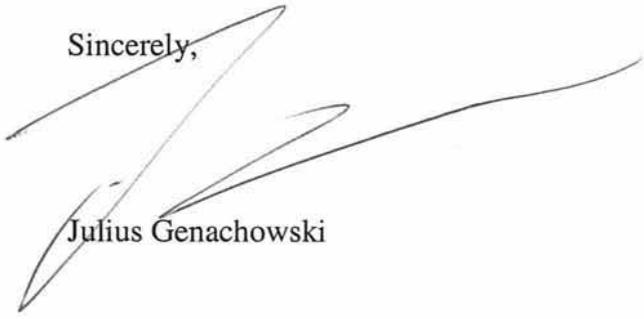
Dear Congressman Matheson:

Thank you for your letter regarding a *First Amended Request for Waiver* that Baja Broadband Operating Company, LLC, filed with the Commission. Specifically, Baja Broadband requested a waiver of the Commission's rule (76.1204(a)(1)) that prohibits cable television system operators from deploying new set-top boxes with integrated security (the "integration ban").

The Baja Broadband petition sought a waiver of the integration ban so that the company may provide consumers with refurbished integrated navigation equipment, including high-definition (HD) and digital video recorder (DVR) devices. On March 4, 2010, the Commission's Media Bureau adopted a *Memorandum Opinion and Order* (DA 10-373) granting Baja's waiver request, with conditions. Specifically, Baja is required to purchase its refurbished devices only from companies that also commit to sell the devices directly to Baja's subscribers. Baja also is required to notify its subscribers that refurbished devices are available for purchase directly from Baja's supplier, and provide subscribers with the contact information for the supplier. For your information, I am enclosing a copy of the Bureau's *Order*.

I appreciate your interest in this matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure