



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300

www.ncta.com

Neal M. Goldberg
Vice President and General Counsel

(202) 222-2445
(202) 222-2446 Fax

October 20, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CS Docket No. 97-80, PP Docket No. 00-67

Dear Ms. Dortch:

On October 18, 2010, at the request of Brendan Murray of the Media Bureau, Paul Glist of the law firm of Davis, Wright, Tremaine, and I had a telephone call with Mr. Murray. Mr. Murray had requested information from us with respect to the online availability of the version of certain CableLabs checklist and testing materials (*i.e.*, M-Host-UNI-DIR-PICS-IO1-061101 and TP-ATP-M-UDCP-I01-061101) cited in the recently-adopted *Third Report and Order* in the above-captioned proceeding so that the Commission could take steps to incorporate by reference those materials under its IBR process. We advised Mr. Murray that more recent versions of the checklist and testing materials for the multi-stream CableCARD (M-UDCP-PICS-I04-080225 and TP-ATP-M-UDCP-I05-20080304) are available on the CableLabs website and, since those tests are backward-compatible, the Commission might prefer to cite to those materials which can be found at <http://www.cablelabs.com/opencable/udcp/>.

If the Commission decides to issue an *Erratum* to cite to the most recent version of the CableLabs testing and checklist materials, we also noted that two of the rules the Commission adopted in the *Third Report & Order* appear to require additional language to reflect the Commission's intention as expressed in the *Third Report & Order*. Specifically, suggested changes are noted below with additional words indicated by underlining and deleted words indicated by strikethrough:

§ 76.1205 (b)(4) Effective August 1, 2011, provide, through the use of a commonly used interface and published specifications for communication, CableCARD-reliant firmware-upgradable navigation devices ~~with~~ the ability to tune simultaneously as many switched-digital channels as the greatest number of streams supported by any set-top box provided by the cable operator, or four simultaneous channels, whichever is greater;

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§ 76.1205 (b)(5)(D) For any bundled offer combining service and an operator-supplied navigation ~~equipment~~ device into a single fee, including any bundled offer providing a discount for the purchase of multiple services, such provider shall make such offer available without discrimination to any customer that owns a CableCARD-reliant navigation device purchased at retail, and, to the extent the customer uses such CableCARD-reliant retail device in lieu of the operator-supplied navigation device included in that bundled offer, shall further offer such customer a discount from such offer equal to an amount not less than the monthly rental fee reasonably allocable to the lease of the operator-supplied navigation device included with that offer. For purposes of this section, in determining what is “reasonably allocable,” the Commission will consider in its evaluation whether the allocation is consistent with one or more of the following factors: (i) an allocation determination approved by a local, state, or federal government entity; (ii) the monthly lease fee as stated on the cable system rate card for the navigation device when offered by the cable operator separately from a bundled offer; and (iii) the actual cost of the navigation device amortized over a period of no more than 60 months.

Please contact me should there be any questions about this filing.

Sincerely

/s/ Neal M. Goldberg

Neal M. Goldberg

cc: William Lake
Mary Beth Murphy
Brendan Murray