

January 26, 2012

**Notice of Ex Parte**

Marlene H. Dortch  
Secretary  
445 12th Street, S.W.  
Washington, DC 20554

*Re: RCN Telecom Services, Inc.'s Petition for Waiver of Section 76.630(a) of the Commission's Rules, File No. CSR-8525-Z; Basic Service Tier Encryption, MB Docket No. 11-169; Compatibility between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67*

Dear Ms. Dortch:

On January 24, 2012 I spoke with Zachary Katz, Chief Counsel and Senior Legal Adviser to the Chairman, and on January 26, 2012, I spoke with Sherrese Smith, Senior Counsel and Legal Advisor to FCC Chairman Genachowski, and Jessica Almond of the Media Bureau, regarding the above referenced proceedings.

In those conversations, I stated that RCN needed to be permitted to encrypt the basic service tier expeditiously because its exposure to theft of service continues to grow, and RCN does not have a feasible and cost-effective alternative to prevent service theft. I described RCN's standalone broadband offerings and subscriptions, as described in my ex parte letter filed January 24, 2012, which is incorporated by reference herein, and noted that the growth in standalone broadband creates further opportunities for theft of unencrypted basic tier service. I provided Ms. Smith and Ms. Almond with a copy of that ex parte letter. I urged that the Bureau act quickly on RCN's waiver (which covers two of RCN's systems) and that the Order removing the ban on basic tier encryption also be adopted quickly.

Should you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



John T. Nakahata  
*Counsel to RCN Telecom Services, LLC*

cc: Zachary Katz  
Sherrese Smith  
Jessica Almond