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Via Electronic Filing

January 30, 2012

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth St., S.W.
Washington, DC 20554

Re: Commercial Availability of Navigation Devices, CS Docket No. 97-80;
Compatibility Between Cable Systems and Consumer Electronics Equipment, PP
Docket No. 00-67; Adams Cable Request for Waiver, CSR 8537-Z

Dear Ms. Dortch:

This is to notify you that on January 26, 2012, the undersigned had a telephone conversation with Brendan Murray of the Media Bureau with respect to the above entitled matter. In this conversation the undersigned made the following points:

- CEA had opposed the waiver for similar relief granted to Baja Broadband (CSR-7111-Z, released March 4, 2010). That waiver was explicitly conditioned on a showing of financial hardship, and on a Media Bureau finding that supplies of non-CableCARD set-top boxes would soon dwindle.
- The Bureau also made a finding, as to Baja Broadband, that helping some consumers find inexpensive set-top boxes is in the public interest.
- CEA's position with respect to the Adams Cable waiver request – which, although publicly noticed, was not filed in Dockets 97-80 or 00-67 – is as stated in CEA's unsuccessful opposition to the Baja petition, as filed in Docket 97-80 on Aug. 20, 2009.
- The undersigned noted, however, that an *ex parte* letter of January 25 filed in Docket No. 97-80 on behalf of Adams Cable contains no similar representation as to financial hardship. CEA is, there, opposed on that additional basis. With respect to the purportedly dwindling supply of non-compliant set-top boxes to be reconditioned, the petition addresses only those now held in Adams' inventory – not the number that will be available if this waiver is granted. Based on the Bureau precedent established in Baja, the Bureau should also require a representation and make a finding as to potential supply, since Adams Cable is now proposing national acquisition and distribution.

Accordingly, the undersigned advised that CEA maintains the position taken in its filing in Docket No. 97-80 of August 20, 2009. Further, CEA maintains its oft-stated position that all filings for waivers of regulations issued pursuant to Docket No. 97-80 should be filed in Docket No. 97-80 as a condition for consideration and should be noticed therein. Given the Commission's practice of "regulation by waiver" with respect to regulations in this Docket (*see* Comments of CEA, Dockets 00-67 and 11-169, Nov. 28, 2011), it is unduly burdensome to the public and to interested parties for the Commission to proceed otherwise.

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules.

Respectfully submitted,

/ Julie M. Kearney /

Julie M. Kearney
Vice President, Regulatory Affairs

cc:

Brendan Murray

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CERTIFICATE OF SERVICE

I do hereby certify that on January 30, 2012, I caused a true and correct copy of the foregoing ex parte comment of the Consumer Electronics Association to the Adams Cable Equipment, Inc. Request For Waiver of 47 C.F.R. § 76.1204 to be served via first-class mail on the following:

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/s/ Patricia O'Keefe

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