

September 18, 2012

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Basic Service Tier Encryption, MB Docket No. 11-169, PP Docket No. 00-67

Dear Ms. Dortch:

In support of adoption of the Commission's proposal to allow cable operators to encrypt basic programming, on September 14, 2012, Amy Tykeson, President and CEO of Bend Cable Communications, LLC ("BendBroadband"), and Paul Hudson of Davis Wright Tremaine met with: Commissioner Mignon Clyburn, Dave Grimaldi, Chief of Staff for Commissioner Clyburn, and Joseph Dworak of Commissioner Clyburn's office; with Holly Saurer and Alex Hoehn-Saric of Commissioner's Rosenworcel's office; and with Lyle Elder of Chairman Genachowski's office. For the same purpose, on September 17, 2012, Mr. Hudson also spoke with Matthew Berry, Chief of Staff for Commissioner Pai.

In these meetings, BendBroadband urged the Commission to grant the requested relief to take effect as soon as possible. We appreciated the additional commitments of the six largest NCTA-member cable operators, but urged that the Commission not impose any similar conditions upon BendBroadband or other small operators. Small operators do not have the clout, resources, or scale enjoyed by the largest operators to influence manufacturers in the design of new models of DTAs or to negotiate with clear QAM device manufacturers to embed their

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
September 18, 2012  
Page 2

security in retail devices. The Commission has previously recognized that small operators can experience long delays in getting access to sufficient quantities of new models and types of set-top boxes.<sup>1</sup> Even if a small operator could eventually purchase new equipment or other network designs, changes to headends or other software or training are disproportionately expensive and/or difficult for small operators because of their scale and lesser resources. Instead, small operators should be permitted to encrypt their basic tier immediately to defend against theft of service and to further the digital transition.

Respectfully submitted,



Paul B. Hudson  
Counsel for Bend Cable Communications, LLC

---

<sup>1</sup> See, e.g., *Baja Broadband Operating Company, LLC (f/k/a Orange Broadband Operating Company, LLC and Carolina Broadband, LLC)*, CSR-8537-Z, Memorandum Opinion and Order, DA 12-899, ¶¶ 5-6 (June 7, 2012).