



request, to make audibly accessible on-screen text menus and guides provided by navigation devices available to blind or visually impaired customers.

5. Such “talking guides” when incorporated into a navigation device will likely require the combination of both hardware and software; neither solution standing alone will provide the required functionality to the end user.

6. Based on WOW!’s experience with cable equipment vendors, we understand that the development of innovative hardware and software solutions for the MVPD industry as a whole is largely driven by the efforts of, and at the direction of, the largest cable multiple system operators (“MSOs”), typically those with at least 2 million subscribers. These companies alone have the scale to tell equipment manufacturers and software developers what products to develop. WOW! benefits by such development efforts; but only *after* the largest MSOs have been served are we able to purchase the equipment and software “off-the-shelf.”

7. WOW!’s video subscriber base represents only about 1.26 % of the approximately 56 million cable subscribers reported by SNL Kagan as of 2012, and thus WOW! accounts for an extremely small portion of the video customer premises equipment (“CPE”) being manufactured today. This level of buying power is simply insufficient to enable us to secure any kind of custom solution from equipment manufacturers at a reasonable price. Moreover, only the largest MSOs have the scale to help defray development costs for complicated accessibility solutions such as talking guides.

8. Today, WOW! primarily relies on a Cisco platform for its set-top boxes that run a user interface also provided by Cisco. To date, WOW! has not had any material influence on Cisco’s application development road maps and timetables for product releases and would be relying on companies like Cisco to develop compliant solutions. At this point, we have no way

of knowing whether Cisco or other vendors, after serving the needs of the largest operators, will be able to convert their custom built solutions into “off the shelf” products that WOW! can purchase and deploy within three years.

9. Making our ability to come into compliance even less predictable, is the fact that the largest MSOs are partially or entirely developing many of their software solutions in-house, thus our vendors would not have the access necessary in order to be able to resell that software solution to us. In this case, the largest MSO may also be working on its own hardware solution. This too will leave smaller MVPDs with fewer options, and makes knowing whether there will be an off the shelf solution within three years extremely uncertain.

10. It would be commercially impracticable for WOW! to comply with a “talking guide” requirement absent the availability of the necessary hardware and or software elements from these suppliers because of WOW!’s significant deployment of set-top boxes relying on the Cisco platform and user interface. Although WOW! has no first-hand knowledge of any plans by Cisco to develop and deploy such products, we assume it will endeavor to do so at the behest of its largest customers, such as Comcast or Time Warner Cable.

11. Based on our extensive experience in dealing with cable equipment suppliers, involving such developments as addressable boxes, digital boxes, HD boxes, etc., we anticipate that even if the principal set-top manufacturers are able to supply compliant “talking guide” boxes to their major customers within the three-year deadline, such devices may not be available in the necessary quantities to smaller operators like WOW! for considerable periods thereafter.

12. Moreover, WOW!’s inability to significantly influence the set-top box supply chain has nothing to do with the number of individual WOW! systems that happen to have more than 20,000 subscribers. Rather, equipment suppliers look to the overall size of their customer,

not the size of individual systems that customer may operate. In reality, such buying power rests almost exclusively with the largest operators, *e.g.*, with 2 million or more subscribers.

13. Based on my knowledge and experience, I do not believe that WOW! would be able to comply with any “talking guide” mandate within three years, but believe that the company could comply within five years.

Executed on: September 30, 2013



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Cash Hagen