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September 30, 2013

Via ECFS

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

Re: WideOpenWest Finance, LLC, Notice of Ex Parte Presentation – Accessibility of User Interfaces, and Video Programming Guides and Menus; MB Docket No. 12-108

Dear Ms. Dortch:

WideOpenWest Finance, LLC (“WOW!”) submits this letter and Declaration in the above-captioned rulemaking in support of expanding the class of cable operators that have two additional years beyond the deadline required for large cable operators to provide accessible programming user guides (“talking guides”).¹

WOW! owns and operates 20 cable television systems that provide video, Internet and voice service to subscribers in 13 mid-western and southeastern states. At the end of 2012, WOW! provided cable service to approximately 705,000 video subscribers. Approximately ten of WOW!’s cable systems serve more than 20,000 video subscribers.

We understand that the Commission is considering providing additional compliance time of two years to small cable operators (defined as having 400,000 or fewer subscribers), and cable systems serving 20,000 or fewer subscribers operated by providers with more than 400,000 subscribers. Such a definition of “small cable operator” would provide no relief for many WOW! systems, even though WOW! will be in no position to ensure compliance by the end of the three year compliance deadline currently contemplated for larger cable multiple system operators (“MSOs”), for the reasons set forth in the attached Declaration of Cash Hagen, Chief Technology Officer of WideOpenWest Finance, LLC (“Declaration”).

¹ See *Accessibility of User Interfaces, and Video Programming Guides and Menus*, Notice of Proposed Rulemaking, MB Docket No. 12-108, 28 FCC Rcd 8506 (2013) (“NPRM”). See Comments of American Cable Association at 6-13 (“ACA Comments”); Twenty-First Century Communications and Video Accessibility Act, Pub. L. 111–260, Oct. 8, 2010, 124 Stat. 2775, § 205 (“CVAA”).

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As explained in the Declaration, because equipment suppliers look to the overall size of their customer, not the size of individual systems that customer may operate, the buying power required to influence hardware and software vendors' application development road map and timetables for product releases rests almost exclusively with the largest operators, *e.g.*, with 2 million or more subscribers. Operators the size of WOW! simply have no ability to materially influence these schedules. At the very least, all WOW! systems should be allowed at least five years to comply with any "talking guide" mandate.

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Very truly yours,

WOW! Internet Cable and Phone

A handwritten signature in black ink, appearing to read "Cash Hagen". The signature is fluid and cursive, with a large initial "C" and "H".

Cash Hagen
Chief Technology Officer

Enclosure

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



Cash Hagen