

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Adams CATV Inc.)	CSR-7468-Z
California Oregon Broadcasting, Inc.,)	
d/b/a Crestview Cable Communications)	CSR-7361-Z
LocalTel Communications)	CSR-7367-Z
Rainbow Communications, Inc.)	CSR-7365-Z
Viking Electronics, Inc., d/b/a Polar Cablevision)	CSR-7296-Z
WaveDivision Holdings, LLC,)	
d/b/a Wave Broadband and Astound Broadband)	CSR-7354-Z
WEHCO Video, Inc.)	CSR-7411-Z
The World Company,)	
d/b/a Sunflower Broadband)	CSR-7114-Z
)	
Petitions for Deferral of Enforcement of)	
July 1, 2007 Deadline in 47 C.F.R. § 76.1204(a)(1))	

MEMORANDUM OPINION AND ORDER

Adopted: July 9, 2008

Released: July 9, 2008

By the Chief, Media Bureau:

1. This order dismisses the Petitions for Deferral of Enforcement submitted by the above captioned multichannel video programming distributors (“Petitioners”) requesting temporary relief from enforcement of Section 76.1204(a)(1) of the Commission’s rules.¹

2. Pursuant to the mandate of Section 629(a) of the Communications Act, as amended, to ensure the commercial availability of navigation devices (*e.g.*, set-top boxes),² the Commission in 1998 adopted rules requiring multichannel video programming distributors (“MVPDs”) to make available by July 1, 2000 a security element separate from the basic navigation (“host”) device.³ The Commission also adopted the “integration ban” rule, which established a date after which cable operators no longer could place into service new navigation devices that perform both conditional access and other functions in a single integrated device.⁴ The ban was designed to enable unaffiliated manufacturers, retailers and other vendors to market host devices commercially and to allow MVPDs to retain control of their system security, while providing for common reliance on an identical security element.⁵ In response to requests

¹ 47 C.F.R. § 76.1204(a)(1).

² 47 C.F.R. § 549(a).

³ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 13 FCC Rcd 14775, 14776, ¶ 3 (1998) (“*First Report and Order*”).

⁴ *See Id.* at 14803, ¶ 69 (adopting Section 76.1204 of the Commission’s rules, subsection (a)(1) of which (1) required multichannel video programming distributors (“MVPDs”) to make available by July 1, 2000 a security element separate from the basic navigation device (*i.e.*, the CableCARD), and, in its original form, (2) prohibited MVPDs covered by this subsection from “plac[ing] in service new navigation devices ... that perform both conditional access and other functions in a single integrated device” after January 1, 2005); *see also* 47 C.F.R. § 76.1204(a)(1) (1998).

⁵ *Id.* at 14799, ¶ 61.

from cable operators, the Commission extended the effective date of the integration ban until July 1, 2006⁶ and then further until July 1, 2007.⁷

3. In January 2007, the Media Bureau recognized that small cable operators may face difficulties complying with the July 1, 2007 deadline and stated that such operators could request deferral of the deadline if the operators could demonstrate that they placed orders for compliant set-top boxes that would not be fulfilled in time to allow compliance with the deadline.⁸ In May 2007, the Bureau released an order detailing six requirements that had to be met before the Commission would grant a deferral request.⁹

4. Petitioners filed requests for deferral of the deadline stating that they had ordered compliant set-top boxes but were informed by the manufacturers that the orders would not be filled by July 1, 2007. Petitioners asked to be allowed to distribute non-compliant boxes as necessary only until the compliant boxes were obtained. Certain petitioners additionally filed supplemental information as requested by Commission staff. Based on the information provided in the requests and updates to the record, all of the Petitioners have now received compliant boxes.¹⁰ Inasmuch as the time period during which Petitioners sought deferral of enforcement of the integration ban has passed, Petitioners' requests for deferrals are now moot.

5. Accordingly, **IT IS ORDERED** that the above captioned Requests for Deferral of Enforcement of the July 1, 2007 deadline in 47 C.F.R. §76.1204(a)(1) **ARE DISMISSED AS MOOT**.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

⁶ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 18 FCC Rcd 7924, 7926, ¶ 4 (2003).

⁷ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 20 FCC Rcd 6794, 6814, ¶ 3 (2005).

⁸ *Bend Cable Communications, LLC d/b/a Bendbroadband Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, 22 FCC Rcd 209, 212-13, ¶ 10 (2007).

⁹ *GCI Cable, Inc. Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, 22 FCC Rcd 8576, 8582, ¶ 18 (2007).

¹⁰ [See Petitions for Deferral of Enforcement submitted by: Adams CATV Inc., July 31, 2007 at Exhibit 1; California Oregon Broadcasting, Inc., d/b/a Crestview Cable Communications, July 9, 2007 at Exhibit B; LocalTel Communications, July 11, 2007 at Exhibit 3; Rainbow Communications, July 11, 2007 at Exhibit 3; Viking Electronics, Inc., d/b/a Polar Cablevision, June 21, 2007 at Exhibit 2; WaveDivision Holdings, LLC, d/b/a Wave Broadband and Astound Broadband, July 3, 2007 at Exhibit 2; WEHCO Video, Inc., July 20, 2007 at Exhibit 1; The World Company, d/b/a Sunflower Broadband, September 4, 2007 at Exhibit 2.