



PUBLIC NOTICE

Federal Communications Commission
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DA 10-217

Released: February 2, 2010

MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON MOTOROLA'S REQUEST FOR WAIVER OF THE IEEE-1394 OUTPUT REQUIREMENT

CS Docket No. 97-80 / CSR-8251-Z

Comment Date: February 22, 2010

Reply Comment Date: March 4, 2010

Motorola, Inc. ("Motorola") has filed a request pursuant to Section 629(c) of the Communications Act¹ and Sections 1.3, 76.7, and 76.1207 of the Commission's rules² for waiver of part of Section 76.640(b)(4) of the Commission's rules.³ Section 76.640(b)(4) requires cable operators to include a DVI or HDMI interface and an IEEE 1394 interface on all high definition set-top boxes ("STBs") that they acquire for distribution to customers. Motorola seeks waiver of this rule section with respect to the IEEE 1394 interface requirement as applied to current and future Motorola high-definition ("HD") set-top box models that include an Internet Protocol ("IP") connector.

Motorola states that, at the time the regulation was adopted, the IEEE 1394 interface was the only suitable digital connector in the marketplace for enabling the recording of copy-protected digital cable content.⁴ Motorola asserts that since the time the regulation was adopted, the market has moved away from the IEEE 1394 connection to widely deployed Internet protocol ("IP") technologies such as Ethernet and wireless IP.⁵ Motorola states that to the extent the IEEE 1394 interface is employed, the use is limited to activities such as the transport of files from digital cameras and other electronics devices to personal

¹ 47 U.S.C. § 549(c).

² 47 C.F.R. §§ 1.3, 76.7, 76.1207.

³ 47 C.F.R. § 76.630(b)(4).

⁴ Waiver Request at 4.

⁵ *Id.* at 4. Motorola requests that the waiver be granted with respect to IP networking without specifying a connector. *Id.* at 7-8.

computers, and even in this context, the IEEE 1394 interface is being replaced by Universal Serial Bus (“USB”) and other digital connectors.⁶

Motorola also argues compliance with the IEEE 1394 interface requirement imposes significant costs to set-top box manufacturers, their cable customers, and consumers compared with the costs of the most commonly used IP connectors.⁷ Motorola argues that these costs far outweigh any potential consumer benefits and are traditionally borne by the cable consumers.⁸ Further, Motorola explains that a waiver would allow it to focus efforts on deploying devices that include an IP connector, consistent with the pro-innovation goals of the Commission’s waiver policies.⁹

Motorola argues that its requested waiver is justified due to the lack of marketplace demand for the IEEE 1394 interface. Accordingly, Motorola asserts that the waiver would not pose harms to public interest since the IEEE 1394 interface has been superseded by other technologies in the marketplace, and argues that waiver would not affect competition in the set-top box market because a number of Motorola’s competitors have filed similar requests for waiver.¹⁰

We seek comment on Motorola’s request.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules.¹¹ As a result of the permit-but-disclose status of this proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission’s rules applicable to non-restricted proceedings.¹²

Comments and oppositions are due **February 22, 2010**. Petitioner’s reply is due **March 4, 2010**. All filings must be submitted in CS Docket No. 97-80 and CSR-8251-Z. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Interested parties will have access to comments online through the Commission’s Electronic Comment Filing System (ECFS), and therefore we waive the requirements of Sections 76.7(b)(1) and 76.7(c)(1) that comments and oppositions be served on interested parties.¹³

Comments may be filed using: (1) (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.¹⁴

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

⁶ *Id.* at 5.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 6.

¹⁰ *Id.* at 8.

¹¹ See 47 C.F.R. §§ 1.1200-1.1216.

¹² 47 C.F.R. § 1.1206.

¹³ 47 C.F.R. §§ 76.7(b)(1), 76.7(c)(1).

¹⁴ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (April 6, 1998).

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: CS Docket No. 97-80. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: “get form”. A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

One copy of each pleading must be sent to Brendan Murray, Media Bureau, Room 4-A737, 445 12th Street, S.W., Washington, D.C. 20554 or Brendan.Murray@fcc.gov.

Copies of the Waiver Request and any subsequently filed documents in this matter are also available for inspection in the Commission’s Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-0270

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Brendan Murray of the Media Bureau, (202) 418-2120. Press inquiries should be directed to Janice Wise, (202) 418-8165 or Janice.Wise@fcc.gov. TTY: (202) 418-7172 or (888) 835-5322.

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