



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

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DA 12-1788

Released: November 7, 2012

## MEDIA BUREAU ACTION

### CHARTER COMMUNICATIONS, INC. FILES REQUEST FOR WAIVER OF 47 C.F.R. § 76.1204(a)(1) WITH THE COMMISSION

CSR-8740-Z/MB Docket No. 12-328

**Comment Date: November 30, 2012**

**Reply Comment Date: December 10, 2012**

Charter Communications, Inc. (“Charter”) has filed a request for a two-year waiver of the prohibition set forth in Section 76.1204(a)(1) of the Commission’s rules regarding integrated-security navigation devices, in order to allow Charter to lease to subscribers integrated set-top boxes that also support downloadable security.<sup>1</sup> Charter requests the waiver on the grounds that it is necessary to complete the company’s transition to an all-digital network incorporating downloadable security.<sup>2</sup> To complete this transition, Charter plans to deploy devices with both a chip that would eventually be used for non-integrated downloadable security and traditional integrated security “that would be utilized during the two-year transitional period before downloadable security is activated.”<sup>3</sup> Charter concedes that without the waiver, it would be unable to deploy their proposed dual-security devices.<sup>4</sup> According to Charter, after the two-year transition, the company would no longer place new boxes with integrated security into service.<sup>5</sup> As support for the waiver, Charter cites the Commission’s earlier grant of a similar waiver to Cablevision and notes that it has already deployed 2.75 million CableCARD set-top boxes and therefore “Charter has plenty of incentive to make sure that CableCARDS work in its systems to support the 33,000 CableCARDS it has provided to customers for their use in retail devices.”<sup>6</sup> We seek comment on Charter’s request.

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<sup>1</sup> See Charter Communications, Inc. Request for Waiver of 47 C.F.R. § 76.1204(a)(1) (filed Nov. 1, 2012) (“Waiver Request”).

<sup>2</sup> See *id.* at 1-3.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 7-8.

<sup>6</sup> *Id.* at 7; see also *Cablevision Systems Corporation’s Request for Waiver of Section 76.1204(a)(1) of the Commission’s Rules, CSR Docket CSR-7078-Z, and Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices*, CS Docket 97-80, Memorandum Opinion and Order, DA 09-67, 24 FCC Rcd 393 (2009).

This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Comments and oppositions are due **November 30, 2012**. All filings should refer to the case identifier, **CSR-8740-Z**, and, in addition, to facilitate access to the pleadings filed pursuant to this *Public Notice*, all comments, oppositions, reply comments, and *ex parte* memoranda should refer to MB Docket No. 12-328 and must be submitted in **MB Docket No. 12-328**. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments and oppositions filed must indicate that they have been served on Petitioner. All comments and oppositions must be served on the Petitioner:

Paul Glist  
Paul Hudson  
Counsel for Charter Communications, Inc.  
Davis Wright Tremaine, LLP  
1919 Pennsylvania Avenue N.W., #800  
Washington, DC 20006

Petitioner’s reply is due **December 10, 2012**.

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- 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. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- 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.
- People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional Information: For additional information on this proceeding, please contact Brendan Murray or Adam Copeland of the Media Bureau, Policy Division, [Brendan.Murray@fcc.gov](mailto:Brendan.Murray@fcc.gov), (202) 418-1573 or [Adam.Copeland@fcc.gov](mailto:Adam.Copeland@fcc.gov), (202) 418-1037. 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 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
(202) 418-0270

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Press inquiries should be directed to Janice Wise, (202) 418-8165. TTY: (202) 418-7172 or (888) 835-5322.

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