



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1422

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MEDIA BUREAU ACTION

MEDIA BUREAU SEEKS COMMENT ON NAGRA'S REQUEST FOR WAIVER OF SET-TOP BOX REGULATIONS

MB Docket No. 12-242

Comment Date: September 19, 2012

Reply Comment Date: October 1, 2012

Nagra USA, Inc. (“Nagra”), a developer of conditional access systems and set-top boxes, has filed a request pursuant to Section 629(c) of the Communications Act¹ and Sections 1.3 and 76.7 of the Commission’s rules² for a three-year waiver of Sections 76.640(b)(4)(ii)(A) and 76.1204(a)(1) of the Commission’s rules.³ Section 76.640(b)(4)(ii)(A) requires cable operators to include a Digital Visual Interface (“DVI”) or High Definition Multimedia Interface (“HDMI”) connection on all high definition set-top boxes that they acquire for distribution to customers. This rule is designed to “set a baseline for connectivity ensuring that cable subscribers are able to fully enjoy the range of services offered by their cable provider in a secure, digital format.”⁴ Section 76.1204(a)(1) prohibits cable operators from placing into service new devices that perform conditional access and other functions in a single, integrated device. This rule is intended to assure that cable operators and consumer electronics manufacturers rely on a common separated security solution.⁵ Nagra maintains that it can achieve the goals of these rules—to

¹ 47 U.S.C. § 549(c).

² 47 C.F.R. §§ 1.3, 76.7.

³ 47 C.F.R. §§ 76.640(b)(4)(ii)(A), 76.1204(a)(1).

⁴ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 18 FCC Rcd 20885, 20897, ¶ 24 (2003).

⁵ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 20 FCC Rcd 6794, 6809, ¶ 30 (2005).

ensure that cable subscribers are able to use retail devices to access their digital cable service⁶—through alternative means that require a waiver.⁷

Specifically, Nagra seeks waiver of these rules for any device that “(1) is a gateway device with MVPD network reception and audio/video transcoding capabilities; (2) does not have uncompressed outputs and does not have MPEG and/or AC-3 decoders; (3) has one or more home networking interfaces which complies with open industry standards and specifications for home networking (such as DLNA); (4) optionally provides a remote (e.g., rendered) user interface via open industry standards and specifications; and (5) provides such home networking service output to all devices, without discrimination and without requiring licenses, certification, approval, assent or testing (beyond that required by other aspects of the device).”⁸ Nagra asserts that waiver will serve the public interest because it will encourage retail competition for video navigation devices⁹ and will decrease the total amount of power that reception devices consume.¹⁰ In addition, Nagra argues that waiver will further the purpose of the rules because waiver will promote connectivity and help achieve the goals of Section 629.¹¹ We seek comment on Nagra’s request.

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules.¹² 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.¹³

Comments and oppositions are due **September 19, 2012**. Petitioner’s reply is due **October 1, 2012**. All filings must be submitted in MB Docket No. 12-242. 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.¹⁴

Comments may be filed using: (1) (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.¹⁵

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

⁶ *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, 18 FCC Rcd 20885, 20887-20892, ¶¶ 3-12.

⁷ Waiver Request at 2-4.

⁸ *Id.* at 8-9.

⁹ *Id.* at 5-6.

¹⁰ *Id.* at 4-5.

¹¹ *Id.* at 5-8.

¹² See 47 C.F.R. §§ 1.1200-1.1216.

¹³ 47 C.F.R. § 1.1206.

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

¹⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, ¶ 8 (April 6, 1998).

should follow the instructions provided on the website for submitting comments.

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: MB Docket No. 12-242. 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. 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. 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., Room CY-B402
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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