

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

In the Matter of:)	
)	
Massillon Cable TV)	CS Docket No. 97-80
)	
Implementation of Section 304 of the Telecommunications Act of 1996)	CSR-7229-Z
)	
Commercial Availability of Navigation Devices)	
)	
To: Chief, Media Bureau)	



COMMENTS IN SUPPORT OF REQUEST FOR EXTENSION

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April 1, 2009

I. Introduction.

In numerous filings in support of set-top box waiver requests, ACA has shown the critical need for the continued availability of low-cost integrated set-top boxes in lower-density and rural markets.

ACA recommends that the Commission grant short term extensions without delay for all cable operators who (i) previously received a waiver and (ii) demonstrate good cause for an extension. Consistent with the Commission's recognition that all digital networks produce clear, non-speculative public interest benefits,¹ short term waiver extensions will ensure the rapid completion of all digital networks in the markets where the extensions are sought.

Here, ACA submits these Comments in support of Massillon Cable TV's ("Massillon") request for an extension of time to complete its digital transition. For the reasons set forth below, ACA supports the granting of Massillon's extension request on an expedited basis.

American Cable Association. Small markets and rural areas across the country receive video, high-speed broadband, and phone services from nearly 1,000 small and medium-sized independent operators represented by the ACA.

ACA's membership is comprised of cable, phone, and fiber-to-the-home operators and municipalities, who deliver these affordable basic and advanced services, such as high-definition television, next generation Internet access, and digital phone, to more than 7 million households and businesses, some of whom have no other means of receiving these vital services.

¹ See *In the Matter of Bend Cable Communications, LLC, d/b/a BendBroadband, Request for Waiver of Section 76.1204(a)(1) of the Commission's Rules, Memorandum Opinion and Order*, 22 FCC Rcd. 209, ¶ 24 (rel. Jan. 10, 2007).

ACA member operators range from family run businesses serving a single town to multiple system operators with small systems in small markets. More than half of ACA's members serve fewer than 1,000 subscribers.

II. Massillon has demonstrated good cause for its extension request.

Massillon has demonstrated good cause for its extension request. Absent an extension, Massillon will be unable to deploy advanced services to a large portion of its subscribers.²

Due to circumstances outside of its control,³ Massillon requests a short-term extension of its waiver⁴ to July 31, 2009 to complete its digital transition. Public interest compels granting the requested waiver. As described in Massillon's *Request for Extension*, a short term extension will allow Massillon to continue to increase the availability of advanced services to its subscribers.⁵ Conversely, denial of the extension will have no public interest benefits – without adequate distribution of converters, Massillon's digital transition will be unnecessarily disrupted.⁶ Aside from being highly undesirable, this result is at odds with the Commission's mandate to increase the availability of digital

² See *Massillon Cable TV's Request for Extension of Time to Transition to All-Digital Cable System*, CSR-7229-Z (filed Feb. 17, 2009) ("*Extension Request*").

³ *Extension Request* at 2-4.

⁴ *In the Matter of Innovative Cable TV, St. Thomas-St. John & St. Croix, and Massillon Cable TV, Requests for Waiver of Section 76.1204(a)(1) of the Commission's Rules*, Memorandum Opinion and Order, 23 FCC Rcd. 4469 (2008).

⁵ *Extension Request* at 2-4.

⁶ *Id.* at 2.

services to all Americans.⁷ In short, there is no public interest reason to deny Massillon's extension request.

Moreover, granting the extension request will not harm the market for competitive navigation devices. As noted, the Commission has already granted Massillon's waiver request. A short extension to permit Massillon time to complete its digital transition will have no detrimental effect on the market.

III. Conclusion.

For the reasons above, a waiver will directly benefit consumers in the small markets served by Massillon. The Commission should grant the request.

⁷ See Pub.L. 104-104, Title VII, § 706, Feb. 8, 1996, 110 Stat. 153, as amended Pub.L. 107-110, § 1076(gg), Jan. 8, 2002, 115 Stat. 2093, reproduced in notes to 47 U.S.C. § 153(a):

The Commission...shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans...

...

The term 'advanced telecommunications capability' is defined, without regard to any transmission media or technology, as high-speed...broadband telecommunications capability....

Respectfully submitted,

AMERICAN CABLE ASSOCIATION



By: _____

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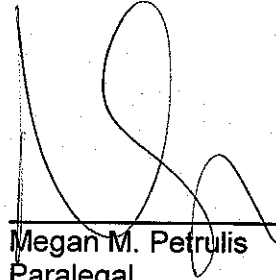
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Certificate of Service

I, Megan Petrusis, paralegal in the offices of Cinnamon Mueller, certify that a true and correct copy of the American Cable Association's Comments in Support of Request for Extension, CS Docket No. 97-80, CSR-7229-Z, was served on the following individuals by first class mail on April 1, 2009:

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