

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 36,667 hours.

Total Annual Costs: None.

Needs and Uses: The FNPRM seeks comment on two proposed information collections. The first is a voluntary labeling regime for unidirectional digital cable television receivers and related digital cable products. The proposed regime would prevent consumer electronics manufacturers from labeling or marketing products as "digital cable compatible" (or an alternative term to be established) unless they meet certain specified technical standards ensuring their compatibility with digital cable systems. Pursuant to the second information collection, consumer electronics manufacturers would be required to provide consumers with appropriate post-sale material, such as an owner's guide, describing the features and functionality of the product. We estimate that the total labeling and consumer disclosure burden for collections of information under the proposed rules is 36,667 hours.

Synopsis of the Further Notice of Proposed Rulemaking

1. The Commission initiated its Commercial Availability of Navigation Devices proceeding by notice of proposed rulemaking in CS Docket No. 97-80 (FCC 97-53), 62 FR 10011, March 5, 1997, and later issued a further notice of proposed rulemaking and declaratory ruling (FCC 00-341), 65 FR 58255, September 28, 2000. In its Compatibility Between Cable Systems and Consumer Electronics Equipment proceeding, the Commission adopted a notice of proposed rulemaking in PP Docket No. 00-67 (FCC 00-137), 65 FR 24671, April 27, 2000. In connection with the ongoing digital television ("DTV") transition, certain commenters in these proceedings have expressed the need for adoption of a standard to ensure the compatibility of cable television systems with DTV receivers and related consumer electronics equipment. To this end, the consumer electronics and cable industries are engaged in ongoing inter-industry discussions seeking to establish a so-called "cable plug and play" standard. Such a standard would allow consumers to directly attach their DTV receivers to cable systems and receive cable television services without the need for an external navigation device.

2. On December 19, 2002, the members of this discussion group, headed by the Consumer Electronics Association ("CEA") and the National

Cable and Telecommunications Association ("NCTA"), filed with the Commission a memorandum of understanding ("MOU") which details an agreement on a cable compatibility standard for an integrated, unidirectional digital cable television receiver, as well as other unidirectional digital cable products. NCTA and CEA assert that unidirectional digital cable television receivers manufactured pursuant to the MOU would be capable of receiving analog basic, digital basic and digital premium cable television programming by direct connection to a cable system providing digital programming. The receivers would have a Digital Visual Interface ("DVI") connector with High-Bandwidth Digital Content Protection ("HDCP") to connect with other consumer electronics devices. The MOU also calls for such receivers to contain a point of deployment ("POD") interface slot into which a POD module provided by the cable operator would be inserted in order to view encrypted programming. Due to the unidirectional nature of this receiver specification, an external navigation device will still be needed to receive advanced features such as cable operator-enhanced electronic programming guides ("EPGs"), impulse pay per view ("IPPV") or video on demand ("VOD"). The MOU indicates that the discussion group continues to work on a bidirectional receiver specification which would eliminate the need for an external navigation device to receive advanced services.

3. The compromise reached in the MOU, as detailed in the FNPRM, requires, *inter alia*, the consumer electronics and cable television industries to commit to certain voluntary acts and seeks the creation or revision of Commission rules in the following general areas:

(1) Requiring digital cable systems with an activated channel capacity of 750 MHz or greater to support operation of unidirectional digital cable products and to ensure that navigation devices utilized in connection with such systems have an IEEE 1394 interface and comply with specified technical standards;

(2) Establishing a labeling regime for unidirectional digital cable television receivers and related digital cable products that meet certain technical specifications that would be voluntarily used by consumer electronics manufacturers. This regime would include testing and self-certification standards, as well as consumer information disclosures to purchasers of such receivers and products;

(3) Prohibiting the use of selectable output controls by all multichannel video programming providers ("MVPDs"); and

(4) Adopting encoding rules for audiovisual content applicable to all MVPDs.

4. We hereby seek comment on the MOU and the proposed Commission rules contained therein. We also seek comment on the potential impact of the MOU and its proposed rules upon consumers, content providers, small cable operators and MVPDs other than cable operators, as well as the jurisdictional basis for Commission action in this area, including the creation of encoding rules for audiovisual content provided by MVPDs. As to issues not addressed by the MOU, such as the down-resolution of programming, we seek comment on whether Commission action is needed and authorized. We also seek comment on any other issues germane to the Commission's consideration of the MOU and these proposed rules.

5. *Authority.* This FNPRM is issued pursuant to authority contained in sections 1, 4(i), 4(j), 303, 403, 601, 624A and 629 of the Communications Act of 1934, as amended.

6. *Ex Parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's Rules. See generally 47 CFR 1.1202, 1.1203, and 1.1206(a).

7. Accessibility Information.

Accessible formats of this FNPRM (computer diskettes, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer & Governmental Affairs Bureau, at (202) 418-7426, TTY (202) 418-7365, or at bmillin@fcc.gov.

8. *Comment Information.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before March 28, 2003, and reply comments on or before April 28, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

9. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this