

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 76****[CS Docket No. 97–80; FCC 03–89]****Commercial Availability of Navigation Devices****AGENCY:** Federal Communications Commission.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document initiates a rulemaking reassessing the retail market for navigation devices and the need for the upcoming July 1, 2006 ban on integrated navigation devices. This reassessment is needed to determine whether the July 1, 2006 ban on integrated navigation devices remains appropriate or is no longer necessary as a result of ongoing industry negotiations for a bidirectional specification for digital cable receivers and products. This rulemaking is initiated pursuant to Section 629 of the Communications Act which directs the Commission to adopt regulations to assure the commercial availability of navigation devices equipment used by consumers to access services from multichannel video programming distributors.

**DATES:** Comments due February 19, 2004; reply comments are due March 10, 2004. Written comments by the public on the proposed information collections are due February 19, 2004. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before August 18, 2003.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. For further filing information, see **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Susan Mort, 202–418–1043 or [smort@fcc.gov](mailto:smort@fcc.gov). In addition to filing comments with the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Leslie Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet at [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov), or at 202–418–0217, and to Kim A. Johnson, OMB Desk Officer, Room 102236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to [Kim\\_A.Johnson@omb.eop.gov](mailto:Kim_A.Johnson@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order and Further Notice of Proposed Rulemaking

("FNPRM"), FCC 03–89, adopted April 14, 2003; released April 25, 2003. The full text of the Commission's FNPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, Qualex International, (202) 863–2893, Portals II, Room CY–B402, 445 12th St., SW., Washington, DC 20554, or may be reviewed via Internet at <http://www.fcc.gov/mb>.

**Paperwork Reduction Act**

The FNPRM portion of this document contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in the FNPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this FNPRM; OMB notification of action is due August 18, 2003. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

In addition to filing comments with the Secretary, a copy of any PRA comments on the information collections contained herein should be submitted to Leslie Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov), and to Kim A. Johnson, OMB Desk Officer, Room 10236 NEOB, 725 17th Street, NW., Washington, DC 20503, or via the Internet to [Kim\\_A.Johnson@omb.eop.gov](mailto:Kim_A.Johnson@omb.eop.gov).

OMB Control Number: 3060–0849.

Title: Commercial Availability of Navigation Devices.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 215.

Estimated Time per Response: 10 minutes to 40 hours.

Frequency of Response: Quarterly and semi-annual reporting requirements; Third party disclosure.

Total Annual Burden: 3,384 hours.

Total Annual Costs: \$33,450.

1. *Needs and Uses:* The FNPRM initiates a reassessment of the state of the navigation devices market by the Commission prior to January 1, 2005. Pursuant to this reassessment, the Commission shall determine whether the July 1, 2006 ban on integrated navigation devices remains appropriate or whether the ban will no longer be necessary. The state of the navigation devices market will be significantly impacted by ongoing negotiations between the cable and consumer electronics industries for a bidirectional specification for digital cable receivers and products. As a result, the cable and consumer electronics industries are requested to provide the Commission with status reports on these negotiations at 90, 180 and 270 day intervals following release of this FNPRM.

**Synopsis of the Further Notice of Proposed Rulemaking**

2. 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. This action was taken pursuant to Section 629 of the Communications Act which directs the Commission to adopt regulations to assure the commercial availability of navigation devices equipment used by consumers to access services from multichannel video programming distributors ("MVPDs"). Pursuant to this directive, the Commission issued the Report and Order in the above-captioned proceeding establishing, inter alia, a January 1, 2005, deadline for MVPDs to cease deploying new navigation devices that perform both conditional access functions and other functions in a single integrated device. The Commission adopted the requirement to separate the conditional access function from the basic navigation device (the "host device") in order to permit unaffiliated manufacturers, retailers, and other vendors to commercially market host devices while allowing MVPDs to retain control over their system security. The Commission later issued a Further Notice of Proposed Rulemaking and Declaratory Ruling ("Further Notice and Declaratory Ruling") (FCC 00–341), 65 FR 58255, September 28, 2000, that sought comment on the effectiveness of the Commission's navigation device