

notice and in accordance with our home wiring rules:

(1) Offer to sell to the MDU owner any home wiring within the individual dwelling units which the incumbent provider owns and intends to remove, and

(2) Provide the MDU owner with the total per-foot replacement cost of such home wiring.

The MDU owner must then notify the incumbent provider as to whether the MDU owner or an alternative provider intends to purchase the home wiring not later than 30 days before the incumbent's access to the building will be terminated. For unit-by-unit disposition of home run wiring, an MDU owner must provide at least 60 days' written notice to the incumbent MVPD that it intends to permit multiple MVPDs to compete for the right to use the individual home run wires dedicated to each unit. The incumbent service provider then has 30 days to provide the MDU owner with a written election as to whether, for all of the incumbent's home run wires dedicated to individual subscribers who may later choose the alternative provider's service, it will remove the wiring, abandon the wiring, or sell the wiring to the MDU owner.

In other words, the incumbent service provider will be required to make a single election for how it will handle the disposition of individual home run wires whenever a subscriber wishes to switch service providers; that election will then be implemented each time an individual subscriber switches service providers.

Where parties negotiate a price for the wiring and are unable to agree on a price, the incumbent service provider must elect among abandonment, removal of the wiring, or arbitration for a price determination. The MDU owner also must provide reasonable advance notice to the incumbent provider that it will purchase, or that it will allow an alternative provider to purchase, the cable home wiring when a terminating individual subscriber declines. If the alternative provider is permitted to purchase the wiring, it will be required to make a similar election during the initial 30-day notice period for each subscriber who switches back from the alternative provider to the incumbent MVPD.

While the American Housing Survey estimates that there were some 7,600,000 MDUs with 24,600,000 resident occupants in the United States in 2000, we estimate that there will be only 12,500 notices and 12,500 elections being made on an annual basis. In many buildings, the MDU owner will be

unable to initiate the notice and election processes because the incumbent MVPD service provider continues to have a legally enforceable right to remain on the premises. In other buildings, the MDU owner may simply have no interest in acquiring a new MVPD service provider.

*OMB Control Number:* 3060-1032.

*Title:* Commercial Availability of Navigation Devices and Compatibility Between Cable Systems and Consumer Electronics Equipment, CS Docket No. 97-80 and PP Docket No. 00-67.

*Form Number:* Not applicable.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 611.

*Estimated Time per Response:* 30 seconds-40 hours.

*Frequency of Response:*

Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

*Obligation to Respond:* Voluntary.

*Total Annual Burden:* 97,928 hours.

*Total Annual Cost:* None.

*Privacy Impact Assessment:* No impact(s).

*Nature and Extend of Confidentiality:* There is no need for confidentiality.

*Needs and Uses:* On March 17, 2005, the FCC released a Second Report and Order (2005 Deferral Order). In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, CS Docket No. 97-80, FCC 05-76, in which the Commission set forth reporting requirements for certain cable providers, the National Cable and Telecommunications Association (NCTA), and the Consumer Electronics Association (CEA). The cable providers are responsible for filing status reports regarding deployment and support of point of deployment modules, more commonly known as CableCARDS. The NCTA and CEA are required to file status reports to keep the FCC abreast of negotiations over bidirectional support and software-based security solutions for digital cable products available at retail.

On October 9, 2003, the FCC released the Second Report and Order and Second Further Notice of Proposed Rulemaking (2nd R&O). In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, CS Docket No. 97-80, PP Docket No. 00-67, FCC 03-225, the Commission adopted final rules that set technical and other criteria that

manufacturers would have to meet in order to label or market unidirectional digital cable televisions and other unidirectional digital cable products as "digital cable ready." This regime includes testing and self-certification standards, certification recordkeeping requirements, and consumer information disclosures in appropriate post-sale materials that describe the functionality of these devices and the need to obtain a security module from their cable operator. To the extent manufacturers have complaints regarding the certification process, they may file formal complaints with the Commission. In addition, should manufacturers have complaints regarding administration of the Dynamic Feedback Arrangement Scrambling Technique or DFAST license which governs the scrambling technology needed to build unidirectional digital cable products, they may also file complaints with the FCC. The 2nd R&O also prohibits MVPDs from encoding content to activate selectable output controls on unidirectional digital cable products, or the down-resolution of unencrypted broadcast television programming. MVPDs are also limited in the levels of copy protection that could be applied to various categories of programming. As a part of these encoding rules is a petition process for new services within existing business models, a PR Newswire Notice relating to initial classification of new business models, and a complaints process for disputes regarding new business models.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2802]

### Petition for Reconsideration of Action in Rulemaking Proceeding

December 28, 2006.

A Petition for Reconsideration has been filed in the Commission's Rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1-800-378-3160). Oppositions to this petition must be filed by

February 8, 2007. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Port Norris, New Jersey, Fruitland, and Willards, Maryland, Chester, Lakeside, and Warsaw, Virginia) (MB Docket No. 04-409) (RM-11108) (RM-11234).

*Number of Petitions Filed:* 1.

**Marlene H. Dortch,**  
*Secretary.*

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## FEDERAL ELECTION COMMISSION

[Notice 2007-1]

### Privacy Act of 1974; Systems of Records

**AGENCY:** Federal Election Commission.

**ACTION:** Proposed Notice of Revised System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Federal Election Commission ("the Commission" or "the FEC") is publishing for comment a revised system of records that is maintained by the Commission. The system entitled Inspector General Investigative Records (FEC 12) has been revised to: include additional routine uses (3 through 17); expand the list of "Categories of records in the system;" include additional data elements required for systems of records notices, including "Security Classification," "Purpose," "Disclosure to consumer reporting agencies," and "Exemptions claimed for the system;" and incorporate administrative and technical changes that have taken place since the last publication of FEC systems of records on December 15, 1997. 62 FR 65694. The minor changes include: clarifying the "System location;" adding new language to explain but not increase the "Categories of individuals covered by the system;" clarifying the language for "Storage;" adding new language under "Retrievability;" expanding the "Safeguards;" adding language to "Retention and disposal;" making a technical change to the "System manager(s);" clarifying the "Notification," "Record access," and "Contesting record" procedures; and updating the "Record source categories." The revised system of records should provide improved

protection for the privacy rights of individuals.

**DATES:** Comments on the proposed revisions to the existing records system, must be received no later than February 23, 2007. The revisions will be effective March 5, 2007 unless the Commission receives comments that would result in a contrary determination.

**ADDRESSES:** Comments should be addressed in writing to Thomasenia P. Duncan, Privacy Act Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, and must be received by close of business on February 23, 2007. Comments also may be sent via electronic mail to [Privacy@fec.gov](mailto:Privacy@fec.gov).

**SUPPLEMENTARY INFORMATION:** The primary purpose for this publication is to revise a system of records maintained by the FEC. The FEC has undertaken a review of its Privacy Act system of records, and as a result of this review, the FEC proposes to amend the system entitled Inspector General Investigative Files (FEC 12) to: include additional routine uses (3 through 17); expand the list of "Categories of records in the system;" include additional data elements required in a system of records, including "Security classification," "Purpose," "Disclosure to consumer reporting agencies," and "Exemptions claimed for the system;" and incorporate administrative and technical changes that have taken place since the last publication. The minor changes include: clarifying the "System location;" adding new language to explain but not increase the "Categories of individuals covered by the system;" clarifying the language for "Storage;" adding new language under "Retrievability;" expanding the "Safeguards;" adding language to "Retention and disposal;" making a technical change to the "System manager(s);" clarifying the "Notification," "Record access," and "Contesting record" procedures; and updating the "Record source categories."

As required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, and OMB Circular A-130, Appendix I, the FEC has submitted a report describing the altered system of records covered by this notice to the Office of Management and Budget and to Congress.

Dated: January 11, 2007.

**Robert D. Lenhard,**  
*Chairman, Federal Election Commission.*

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FEC 12 Inspector General Investigative Files.

## FEC 12

### SYSTEM NAME:

Inspector General Investigative Files.

### SECURITY CLASSIFICATION:

Records in this system are sensitive but unclassified.

### SYSTEM LOCATION:

Federal Election Commission, Office of the Inspector General (OIG), 999 E Street, NW., Washington, DC 20463.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of complaints relating to the programs and operations of the Commission. Subjects include, but are not limited to, current and former FEC employees; current and former employees of contractors and subcontractors in their personal capacity, where applicable; and other persons whose actions affect the FEC, its programs or operations.

### CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints, referrals from other agencies, correspondence, investigative notes, interviews, statements from witnesses, transcripts taken during investigation, affidavits, copies of all subpoenas issued and responses thereto, interrogatories and responses thereto, reports, internal staff memoranda, staff working papers and other documents and records or copies obtained or relating to complaints and investigations. May include the name, address, telephone number, e-mail address, employment information, and financial records of the subjects.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act Amendments of 1988, Pub. L. 100-504, amending the Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. app. 3.

### PURPOSE(S):

These records are used to document the conduct and outcome of inquiries, complaints, and investigations concerning allegations of fraud, waste, and abuse that affect the FEC. The information is used to report the results of investigations to FEC management, contractors, prosecutors, law enforcement agencies, Congress, and others for an action deemed appropriate. These records are used also to retain sufficient information to fulfill reporting requirements and to maintain records related to the OIG's activities.