

STATEMENT OF COMMISSIONER DEBORAH TAYLOR TATE

*Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311, Second Report and Order*

Today's item, like many we consider, requires a broader examination of Commission principles, particularly the principle of regulatory parity. I was pleased that our original order required us to consider this matter in a timely manner- within six months. I believe we must ensure that our policies do not unreasonably create asymmetry in the marketplace and if they do, to promptly correct them. In this order, we continue down a path of deregulatory policies designed to encourage market entry, innovation, and investment. Indeed, "encourage[ing] more robust competition in the video marketplace" has long been a stated goal of the Commission as well as a driving force behind the statutory language we interpret today.

Section 621(a)(1) of the Communications Act of 1934 states that franchising authorities ("LFAs") may not "unreasonably refuse to award" a competitive franchise to provide cable service. I agree with our conclusion that we have the broad jurisdictional authority to interpret this section of the Act and adopt rules to implement it. That is what expert agencies do everyday. While it is up to the LFA and the MVPD to set the terms of the licensing agreements, I believe the FCC has a role to play in protecting MVPDs against overly zealous and specifically in this case, unreasonable, terms.

I am pleased that today we clearly require that franchise fees be limited to those costs actually associated with providing video service. This ensures a more level playing field.

I am also pleased that we will include the costs of PEG requirements as part of the operator's franchise fees. Public, Education, and Government access channels provide our citizens with a window to view the work of their local government. We should do all we can to encourage and support the MVPDs' efforts to provide those channels.

I hope that we will continue to implement policies that promote parity across platforms. As new services and providers emerge, the FCC should seek to apply a light but equitable regulatory touch to ensure fair competition for all participants.