

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*

Ever since I arrived at the Commission six years ago, I have been deeply concerned about increasing concentration in the cable industry. I simply can't see how American consumers benefit when a handful of vertically-integrated media giants have so much control over so much content. This industry structure provides precious little space for the creative genius of independent content producers and artists. And it has led to prices that continue to rise far faster than inflation.

For years, I have also been troubled by the approach of the FCC's annual video competition report, which I think has unreasonably minimized the harm that increased consolidation has visited upon the American consumer. In particular, I have expressed serious doubts about our reliance on industry-supplied video customer data. Indeed, one of my top priorities here at the Commission has been to improve our data-gathering for *all* the industries we regulate and to ensure that *all* our decisions are grounded in the best available data and analysis.

Now, we have new evidence placed in the record by public interest advocates and at least one industry source that casts real doubt on the validity of existing industry-supplied customer counts. This new evidence indicates that the cable industry may very well have met the 70/70 threshold established by Congress. In light of these facts, I think that the most responsible course of action at this point is for the Commission to act swiftly to compel the industry to open up its books to put this question to rest once and for all.

I want to emphasize that word "swiftly." Today's decision must not be an open-ended invitation to delay. Getting data *in* to the Commission within 60 days doesn't always translate into getting an answer *out*. Accordingly, I would have preferred that the Commission commit in today's item to reaching a 70/70 determination within 45 days of receiving the industry's data.

The lack of programming diversity and competition in the American video services market is a serious problem and must not be left to languish. I sincerely hope that my colleagues and I can move past debates about data and on to the far more important issue of how to ensure a more diverse, democratic, and vigorously competitive American media environment.