

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

RE: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, *Notice of Inquiry*, MB Docket No. 07-269, FCC 09-32

The last video competition report on which I had a chance to vote covered data through June of 2006. While we have voted on efforts to collect more data since then, the Commission is nearly three years behind in its statutory duty to report to the American people on the state of competition in the video marketplace.

With this action, we accelerate our efforts to make amends and “catch up.” Having sought comment earlier on developments in this marketplace for only the twelve-month period ending in June 2007, we ask for new data covering (to paraphrase the late broadcaster Paul Harvey) the “rest of the story” – meaning the twenty-four months between July 1, 2007 and June 30, 2009. This NOI also adds useful questions on new realities confronting the marketplace today, especially the effect of the recession on broadcasting, cable and other participants in the multichannel video programming arena and on consumer migration to free online video providers.

Finally, and thankfully, the Supplemental Notice does not purport to take on any of the legal implications of the so-called “70/70 text” under Section 612(g) of the Communications Act. A proposed new survey form relevant to factual questions about the current level of cable subscribership is the subject of a separate, pending initiative.

I look forward to reviewing the data that this Notice will produce.