

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices, CS Docket No. 97-80, Compatibility Between Cable Systems and Consumer Electronics Equipment, PP Docket No. 00-67.

Today's Order promotes choice for cable subscribers and competition among manufacturers and sellers of navigation devices. It also implements a recommendation in the National Broadband Plan to improve the CableCARD rules in the short term, while we consider more far-reaching options for the long-term. I commend the Chairman's leadership and the diligence of the Media Bureau in moving quickly to initiate and complete this rulemaking just seven months after the release of the National Broadband Plan.

We all appreciate the importance to consumers and the competitive market of supporting retail alternatives to equipment leased from cable operators. But: "CableCARD?" Most people outside this building probably don't know what a CableCARD is. More importantly, many cable subscribers aren't aware of their alternative options to leasing a set top box from their cable company. And, even when they are aware, their cable company may not provide the support necessary to permit them to exercise their choice.

The Order addresses these failings in a regime that has been around since 2003. The rules we adopt today will require cable companies to fully support subscribers who opt to buy a cable box at retail. Specifically:

- We require cable companies to provide pricing information, so that consumers can evaluate whether leasing or buying is their best option.
- We require cable companies to allow consumers to install the CableCARD, rather than having to wait for the cable company to come out and insert the card in their cable box for them.
- We require cable companies to eliminate the charges for a leased box when consumers purchase their own box.
- We require cable companies to provide and support additional equipment to work with consumers' equipment when necessary, to access programming on a cable company's switched digital service.
- And we expressly prohibit mis-statements about the capabilities of retail devices to access switched digital channels.

This Order also changes existing rules to reflect advances in technology and to provide industry with the appropriate flexibility for developing future technologies. In adopting these requirements, we have resisted actions that would seem to benefit consumers in the short term, but might have unnecessarily burdened cable operators. I approve the effort to balance the legitimate business needs of cable companies, large and small, as well as the interests of the manufacturers and sellers of navigation devices.

I am also pleased that the FCC is stepping up with additional consumer information, and an improved process for consumers to file complaints if they believe that the cable companies are not doing all that we require.

This Order advances the current regulatory regime, and I am looking forward to the longer term solutions which should provide even more consumer protection and customer choice than we were able to establish for the cable card regime.

I applaud the Media Bureau, and in particular Brendan Murray, who has worked so hard to bring this Order to conclusion, and Alison Neplokh, the new Chief Engineer of the Media Bureau, for her knowledge and leadership on behalf of the Bureau. I also appreciate the collegial and constructive attitude of my fellow Commissioners and our legal advisors in working through the technical and legal issues to reach this balanced result.

And I'd like to add a huge and heartfelt thank you to Eloise Gore, who has been in my office for many months and has given me more wisdom and advice than I can possibly describe. A New Yorker through and through, Eloise is a GIANT on the issues, so don't let her height fool you. She is an absolute force of nature who added so much to me and my team, and I will dearly miss her. Thank you, Eloise, for everything.