



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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STATEMENT OF COMMISSIONER MICHAEL J. COPPS ON THE CONTINUING FOX-CABLEVISION IMPASSE

“Retransmission consent developed in another world in a vastly different media environment. The idea was to ensure that consumers could receive broadcast programs on cable and to protect both small broadcasters and small cable companies from being run over by the big guys. Now, in too many instances, retransmission consent has degenerated into a fight between huge monied interests to see who can milk who the most—and consumers are left holding an empty pail. What we are dealing with here is a fast-changing media landscape with the big players maneuvering to see how they can create new business models that will give them the upper hand over their rivals going forward.

“The FCC’s role has been limited. That’s partly due to the statute under which we operate, which generally confines our role to encouraging ‘good faith’ negotiations between the private parties. We have interpreted this charge very cautiously. But the FCC is a consumer protection agency and, if the Fox-Cablevision dispute proves anything, it is that consumers are clearly not being protected. I believe the Commission should take a very serious look at whether ‘good faith’ negotiations are indeed occurring. What, indeed, does ‘good faith’ mean in the dog-eat-dog world of big media? If such talks are not taking place, we should move promptly to protect consumers.

“We must also understand that these seemingly ‘old media’ debates can be used against the new media of the digital age, too. For a broadcaster to pull programming from the Internet for a cable company’s subscribers, as apparently happened here, directly threatens the open Internet. This was yet another instance revealing how vulnerable the Internet is to discrimination and gate-keeper control absent clear rules of the road.”

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