



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).

FOR IMMEDIATE RELEASE:
March 3, 2011

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FCC TAKES A FRESH LOOK AT ITS RETRANSMISSION CONSENT RULES IN LIGHT OF RECENT CONSUMER TELEVISION DISRUPTIONS

Washington, D.C. – The Federal Communications Commission (FCC) today released a Notice of Proposed Rulemaking (NPRM) to consider possible amendments to rules concerning retransmission consent negotiations. The NPRM proposes changes consistent with Congress’ statutory framework for market-based negotiations that are designed to minimize video programming service disruptions to consumers caused by disputes between television stations and pay television services about broadcast program carriage. The NPRM expresses the FCC’s view that it doesn’t have the authority to require broadcast television stations to provide their signals to pay television providers or to require binding arbitration.

The Communications Act requires cable systems and other pay television services to obtain a television station’s “retransmission consent” before carrying the station’s signal. The Act also requires broadcasters and pay television service providers to negotiate retransmission consent agreements in good faith. Since Congress enacted the retransmission consent regime in 1992, there have been significant changes in the video programming marketplace that have contributed to changes in negotiations for retransmission consent. In light of these changes, the FCC is reexamining its rules.

Specifically, the NPRM seeks comment on proposals that would:

- Provide more guidance to the negotiating parties on good-faith negotiation requirements;
- Improve notice to consumers in advance of possible service disruptions caused by impasses in retransmission consent negotiations; and
- Eliminate the Commission’s network non-duplication and syndicated exclusivity rules, which provide a means for parties to enforce certain exclusive contractual rights to network or syndicated programming through the Commission rather than through the courts.

The FCC is seeking public comment on any other revisions or additions to its rules that would improve the retransmission consent negotiation process and help protect consumers from service disruptions.

Action by the Commission March 3, 2011, by Notice of Proposed Rulemaking (FCC 11-31). Chairman Genachowski, Commissioners Copps, McDowell, Clyburn, and Baker. Separate statements issued by Chairman Genachowski, Commissioners Copps, McDowell, Clyburn, and Baker.

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