

**Statement of
Commissioner Michael O’Rielly**

Re: Amendment of the Commission's Rules Related to Retransmission Consent, Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 10-71

This item seeks to improve the retransmission consent process between television broadcasters and MVPDs. The order acts upon evidence in the record that joint negotiations between two top-four, non-commonly owned broadcast stations in a market raises consent fees above market rates. It, therefore, adds such activity to the list in our rules of *per se* “good faith” violations.

While I find the record somewhat thin, and I may not have gone in the same direction if I had the pen, the order aims to shield consumers from unreasonable price increases and I am willing to support it. I do so with the reservation that while we have legal authority to act, this order partially relies upon one provision that is unnecessary.

Similarly, I support the further notice, but will keep an open mind and do not subscribe at this time to any of the particular tentative conclusions or proposed legal authority. I am sympathetic to the argument that it may not be necessary for the Commission to continue enforcing network non-duplication and syndication exclusivity rules when these can be addressed through private contracts. These are complicated questions and I hope a full record from interested parties will help clarify the Commission’s responsibility and consumer’s best interests in this area.

Finally, this item is the result of a tremendous amount of hard work. I thank the Chairman, his excellent staff, and the Media Bureau for their time and willingness to incorporate some of my feedback.