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FOR IMMEDIATE RELEASE
December 19, 2014

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FCC PROPOSES TO MODERNIZE MVPD DEFINITION

NPRM Includes Certain Online-Delivered Video in Definition, Leveling the Playing Field for the Distribution of Video Programming

Washington, D.C. – The Federal Communications Commission today adopted a Notice of Proposed Rulemaking that asks for comment on how to modernize the definition of a multichannel video programming distributor to reflect that video services are no longer tied to a particular distribution technology. The Commission proposes to interpret the definition of an MVPD to include providers that make multiple linear streams of video programming available for purchase, regardless of the technology used to distribute the programming. This is an important step in making sure the Commission’s regulations accommodate the technology transition occurring in the video distribution industry. This consumer-focused approach would ensure that incumbent providers will continue to be subject to the pro-competitive regulations that apply to MVPDs as they transition their services to Internet protocol delivery. It also would ensure that nascent, web-based video programming services will have access to the content they need to compete with established providers.

Specifically, the NPRM proposes to interpret the term MVPD to encompass distributors of multiple linear video programming streams, including Internet-based services, and asks for comment on:

- An alternative interpretation that would require an MVPD to have control over a transmission path;
- How each interpretation would impact MVPDs, consumers, and content owners, and how each would promote competition and broadband adoption;
- How the Commission should apply its retransmission consent “good faith” negotiation rules with respect to Internet-based MVPDs to protect local broadcasters; and
- Whether these proposals would affect the regulatory status of IP-delivered video services by cable operators and DBS providers.

Comments and reply comments will be due 30 and 45 days after publication in the Federal Register. The NPRM outlines the procedures to follow when submitting comments.

Action by the Commission December 19, 2014, by Notice of Proposed Rulemaking (FCC 14-210). Chairman Wheeler, Commissioners Clyburn, and Rosenworcel, with Commissioners Pai, and O’Rielly, concurring. Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai, and O’Rielly issuing statements.

MB Docket No. 14-261

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