

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *FCC Form 325 Data Collection*, MB Docket No. 17-290; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105.

I am pleased to see the Commission take another step forward in modernizing our media regulations. Up this month, we have an annual reporting form that cable providers with over 20,000 subscribers, as well as a random sampling of the smallest cable providers, must file. All of this information is publicly available from a host of alternative sources, including SNL Kagan, Nielson, and Warren Communications, does not reflect today's competitive video marketplace, does not apply to cable competitors, and does not serve an actual purpose. In fact, it is unclear whether the FCC actually uses the data provided. For these reasons, no commenters argued in favor of maintaining the form.

Based on the above, it is curious to me why we did not at least tentatively conclude to eliminate this form altogether. Instead, the Commission meticulously analyzes each section of the form. Because I believe the end result will be the same—that the record will support full elimination—I support the item. Moreover, I thank the Chairman for adding a few tentative conclusions that key parts of this form should be eliminated.

From a larger perspective, I am pleased to see the Commission tackle an outdated cable regulation this month. I hope we will see more of these in the future. In fact, we should package a host of ideas provided in the record into our next item. For example, the Commission should eliminate the EEO Public Inspection File website posting requirement on cable operators. The Commission already requires cable operators to maintain certain EEO reports in their public files, which are housed in a Commission-hosted online database.¹ It is duplicative to also require this information on the company's website.²

I also support, whenever possible, clarifying in our rules that "written" notice can be electronic notice. This includes notices cable distributors are required to provide to broadcasters under the retransmission consent process or in response to consumer complaints, particularly when the consumer provides an e-mail address on the complaint and does not request a response in a different format.³ Updating our requirements from paper notices to electronic notices is the essence of modernization.

I personally think all of these items could be teed up in one Notice of Proposed Rulemaking in order to quickly advance these smaller procedural items. That way, we can get to some of the bigger ideas proposed in the record. I remind my colleagues that unnecessary costs imposed on businesses that we regulate are passed on to the consumer in one form or another, many on a monthly basis. Therefore, it is certainly in the public interest to tackle these issues, and to do so quickly.

¹ NCTA Comments at 28–29.

² MMTC Reply Comments at 4; ACA Reply Comments 5–7.

³ NCTA Comments 10–11; *see also* MMTC Comments at 3.