

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Channel Lineup Requirements—Sections 76.1705 and 76.1700(a)(4)*, MB Docket No. 18-92;
Modernization of Media Regulation Initiative, MB Docket No. 17-105.

Today, we add another set of reforms to our ongoing media modernization effort. On its face, the item may seem modest, but eliminating what we refer to as “unnecessary requirements” in the order, wherever they are found, is essential if we’re going to successfully spur “competition and innovation” in the changing media marketplace, a goal also expressed in the Order. I would also like to thank my fellow commissioners for accepting my requested edit to the item to ensure that no additional regulatory powers could be implied or inferred from the item. Concerns were raised that the original draft under consideration may have unintentionally expanded the regulatory power of local franchise authorities, and I do not believe that was the intention, so I appreciate the removal of that language.

Regarding the first issue under consideration, the requirement that cable operators maintain a current listing of cable television channels at their offices, the record strongly supports my own view that that consumers are highly unlikely to trek to their local cable provider’s office to obtain the channel list. The Commission is right to eliminate what has been referred to in the Order as an “outdated, unnecessary, and inconsistent” requirement, and we also note here the significant effort made by providers to make this material available online. Other Commission rules require this information to be shared annually with subscribers and to be made available upon request at any time. There is simply no reason to continue requiring adherence to a rule whose usefulness has expired.

On the question of whether the requirement to make this information available through the online public file is unnecessary, I would also answer in the affirmative. Some commenters argue that the information is already collected by providers under other Commission rules and, therefore, the cost of uploading it to the public file does not outweigh the benefit for parties who find the public file information useful. While I certainly appreciate any concern for a proper cost-benefit analysis, my own evaluation has led me to conclude that the benefit of eliminating the public file requirement outweighs any cost. Absent economic evidence otherwise, I’m going to lean in the direction of less regulation and eliminating link requirements that no one will likely ever use. The fact that cable operators can comply with the existing rule by simply including a link in their public file demonstrates the ease with which this information can be found online by consumers or other entities.

Finally, I also applaud the rejection of any attempts to add further regulatory burdens to small providers of 1,000 or fewer subscribers. The Commission has recognized in other circumstances that smaller entities need more relief from our rules, not less. The rules dispensed with today are outdated and need to be eliminated, but the broader message here is that the Commission is committed to modernizing media regulations to keep up with a changing world. In the modern video marketplace, virtual MVPDs are trying to eat the lunch of cable operators and other MVPDs. Fierce competition between providers is a boon for consumers, and the Commission is rightly focused on reducing any unnecessary regulations to help spur even greater innovation and competition.

I approve.