

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Leased Commercial Access*, MB Docket No. 07-42; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105.

1984 saw many great and enduring contributions to our cultural heritage. *Gremlins*, *The Terminator*, *This Is Spinal Tap*, and *Footloose* hit the silver screen. On TV, *Happy Days* aired its season finale while *Jeopardy!* returned to the airwaves as a syndicated program. And 35 years ago this month, arguably the greatest album of all time was released, with Prince appealing to legions with “Purple Rain,” “Let’s Go Crazy,” and “When Doves Cry.”

That same year, Congress mandated that cable operators provide independent video programmers “leased commercial access”—essentially, to set aside channel capacity for unaffiliated programmers. Unlike the entertainment milestones just discussed, leased access has not aged well.

The video programming marketplace of 1984 is virtually unrecognizable today. Most Americans then only had access to a few broadcast stations and a single cable operator. At that time, leased access was intended to give independent programmers a unique chance to reach consumers.

Today, our leased access regime is basically the Betamax or New Coke of FCC video regulation. Today, programmers can and do create and share all sorts of video content online to a worldwide audience. More outlets exist to distribute programming than ever before. And content creators can even distribute their own programming. Indeed, as we speak, the FCC is distributing its own video programming online through a livestream.

It’s long past time to sync our leased access rules with the times. So today, we vacate the *2008 Leased Access Order*, a troubled decision which never went into effect because of a judicial stay and disapproval by the Office of Management and Budget. We eliminate the requirement that cable operators provide part-time leased access, a mandate that is legally unnecessary. We decide that only bona fide requests from leased access programmers trigger obligations to respond from cable systems. And finally, we seek public input on a proposal to simplify the maddeningly-complex leased access rate formula. This is real progress, even against the backdrop of serious concerns that have been raised (concerns that I share) about the constitutionality of this entire regime.

For their efforts, I’d like to thank Steven Broecker, Michelle Carey, Katie Costello, Nancy Murphy, Holly Saurer, and Diana Sokolow from the Media Bureau, and Susan Aaron, James Carr, and David Konczal from the Office of General Counsel for their work on this item. And I look forward to seeing our staff’s upcoming work on modernizing media regulations. In the 1984 *Dallas* season-ending cliffhanger, Bobby Ewing was shot, and fans had to wait the entire summer to find out if he had survived. Thankfully, fans of our modernization efforts will only have to wait a couple of weeks to discover which media regulations we will update next at our July meeting.