

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *Revision of the Commission's Part 76 Review Procedures, MB Docket No. 20-70; Modernization of Media Regulation Initiative, MB Docket No. 17-105; Revision of the Commission's Program Carriage Rules, MB Docket No. 11-131.*

The last few years have seen an explosion of content available via streaming platforms, including programming featuring communities that have been historically underrepresented in broadcast and cable content. Americans have more content to choose from than ever. Nevertheless, cable and satellite programming retains a dominant place in many households. According to a recent NTIA study, over 70 percent of U.S. households still have cable or satellite subscriptions, while “cord-cutters,” those who have canceled their cable or satellite service and receive content only via streaming, represent less than 30 percent of the population.¹ The importance of cable and satellite programming is even greater for older Americans. That same study reports that over 80 percent of Americans over 65 receive their programming exclusively from their local broadcaster or cable and satellite operator.

Cable and satellite operators continue to play a major role in consumers' programming options, and the FCC continues to have a statutory responsibility to ensure that such operators cannot not exercise undue market power at the expense of programming vendors. That's why the Commission proposed several reforms in its *2011 Program Carriage Notice of Proposed Rulemaking*, which was designed to make it easier for vendors to bring meaningful actions against operators engaging in discriminatory or otherwise harmful conduct. Among other proposals, the Commission sought comments on the need for anti-retaliation measures, good faith negotiation requirements, and discovery procedures that would reduce the expense and time needed to bring a program carriage claim.

It has been almost 10 years since the 2011 NPRM, and much has changed in the programming marketplace. But we shouldn't view the availability of streaming options as an opportunity to abandon our statutory responsibility to protect competition. I therefore encourage commenters to discuss, in particular, whether the proposals from the 2011 NPRM remain relevant, and if so, what next steps the Commission should take.

Thank you to the Media Bureau staff who prepared this item for our consideration.

¹ Edward Carlson, “Cutting the Cord: NTIA Data Show Shift to Streaming Video as Consumers Drop Pay-TV,” available at <https://www.ntia.doc.gov/blog/2019/cutting-cord-ntia-data-show-shift-streaming-video-consumers-drop-pay-tv> (May 21, 2019).