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For Immediate Release

FCC UPDATES PROGRAM CARRIAGE COMPLAINT PROCEDURES

Action Improves Complaint Process for Complainants and Defendants

WASHINGTON, November 18, 2020—The Federal Communications Commission today adopted a Report and Order revising its rules governing the resolution of program carriage disputes between video programming vendors and multichannel video programming distributors (MVPDs). It also amends parallel rules governing program access, open video system (OVS), and good-faith retransmission consent complaints. These changes will help to ensure a clear and expeditious complaint process for potential complainants and defendants.

Specifically, the Report and Order amends the statute of limitations for filing program carriage complaints. This revision clarifies that the one-year period in the third prong of the statute of limitations begins to run when an MVPD rejects or fails to acknowledge a request for program carriage or request to negotiate for program carriage, rather than a year after a video programming vendor gives an MVPD notice of its intent to file a complaint. This change closes a loophole in the current rule that could permit the filing of program carriage complaints at essentially any time, potentially years after an alleged rule violation, undermining the fundamental purpose of a statute of limitations. For consistency, the Report and Order similarly amends the parallel prongs in the statutes of limitations for program access, OVS, and good-faith retransmission consent complaints.

The Report and Order also harmonizes the procedures governing the effective date and review of initial decisions by an administrative law judge (ALJ) in program carriage, program access, and OVS proceedings to match those generally applicable to other ALJ decisions. This means that ALJ initial decisions in these contexts will not take effect for at least 50 days following release and will be stayed automatically if a decision is appealed to the Commission.

Today's action is the 26th Order adopted as part of the Commission's *Modernization of Media Regulation Initiative*, launched in 2017, to eliminate or modify media regulations that are outdated, unnecessary or unduly burdensome.

Action by the Commission November 18, 2020 by Report and Order (FCC 20-162). Chairman Pai, Commissioners O'Rielly, Carr, Rosenworcel, and Starks approving. Chairman Pai, and Commissioner O'Rielly issuing separate statements.

MB Docket Nos. 20-70, 17-105, 11-131

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).

