

**Joint Statement of
Commissioners Michael J. Copps and Jonathan S. Adelstein,
Concurring**

Re: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming

Congress charged the Commission in Section 628(g) with reporting annually on “the status of competition in the market for the delivery of video programming.” As we release this Tenth Report, we are concerned that these Reports are becoming mere recitations of the record we receive in response to our Notice of Inquiry, rather than an in-depth analysis of the status of competition.

Congress directed the FCC to focus on competition because it recognized the power of competition to give consumers more choices, lower prices, better services, and access to more sources of content. Yet, this Report fails to examine adequately the circumstances that distinguish those places where competition is occurring and those where it is not. It fails to evaluate barriers to greater competition. And it fails to consider sufficiently such important issues raised in the Notice as the availability of independently-produced programming, children’s programming, locally-produced programming, and non-English programming. In sum, it simply fails to delve beneath the surface.

We took issue with our other Report on cable rates issued last July because the Commission conducted little analysis other than pointing out that cable rates are increasing, something most consumers already know all too well. We are concerned that we may be heading down the same road with this Report.

At a time of significant increases in cable rates year after year – 8.2 percent last year and 40 percent over the last five years, all significantly in excess of the rate of inflation -- Congress and American consumers deserve a better effort from the FCC.

In part, the fault lies with the limited data we received in response to our Notice. We urge the Commission to undertake a more pro-active and comprehensive information gathering effort for our next Report. This Report serves as the factual foundation for many Commission decisions as well as providing Congress with statutorily-mandated information that can inform the national policy debate.

None of our comments on this Report should take away from the investments that have been made by those that deliver video programming. Nor do they diminish the benefits American consumers receive as new services are deployed. But, as the government’s expert agency, the Commission must do more to gather accurate and complete data as well as provide the information and analysis that Congress required.