

**JOINT STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN**

Re: *Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992, et al.*, Second Further Notice of Proposed Rulemaking, CS Docket No. 98-82 et al.

It is with some disappointment that we vote to approve today's *Second Further Notice of Proposed Rulemaking*. After the D.C. Circuit reversed our prior rules, the Commission sought public comment, in September 2001, on how to fashion new standards, consistent with the court's opinion. Now, almost four years later, we still do not resolve these issues and provide much-needed certainty, but instead seek another round of comments. The record we adduced before, limited though it was, has grown stale, and needs to be refreshed and updated.

Once the new record is compiled, we hope the Commission will prioritize this proceeding and move to a decision. Toward that end, we're pleased that today's item, even if it does not establish new numerical limits, does resolve some issues. Most importantly, the item puts to rest the notion that the Commission could simply decide that horizontal and vertical limits of some kind aren't necessary. The item reiterates the clear language of the law: the Commission "shall . . . prescribe rules and regulations establishing reasonable limits" for a cable operator's subscriber reach, as well as the number of its own channels it can run on its system. Against this backdrop, we hope cable operators and other parties do not argue that there should be no numerical limits, but instead provide appropriate and necessary information to help us implement the clear command of the statute. Given that the mandate dates back not to the now almost ten-year-old Telecommunications Act of 1996, but even worse, the Cable Television Consumer Protection and Competition Act of 1992, we need to work efficiently and productively to establish numerical limits which satisfy the statutory purposes expressed in section 613(f)(2) of the Act as soon as possible.