

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Video Device Competition*, MB Docket No. 10-91; *Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices*, CS Docket No. 97-80, *Compatibility Between Cable Systems and Consumer Electronics Equipment*, PP Docket No. 00-67.

By unveiling today's NPRM and NOI concerning navigation devices, the Commission is taking important steps towards retooling a set-top box regime that has long been broken. Just one measure of this failure is the fact that, since July 1, 2007, cable operators have deployed more than 18.5 million leased devices pre-equipped with CableCARDS, compared to only 489,000 CableCARDS installed in retail devices connected to their networks. The proof, as they say, is in the pudding.

I therefore applaud the Chairman and his staff for acting swiftly on the recommendations in the National Broadband Plan to find a new solution to a too-familiar problem. If we are to live up to the directive by Congress to the Commission in Section 629, we must engage with industry and listen to consumers in order to develop more effective preconditions to an environment in which navigation devices can flourish at the retail level.

The time has undoubtedly arrived for us to examine the potential for *any* electronics manufacturer to offer smart video devices at retail that can be used with the services of *any* MVPD. In addition, given that the current process for obtaining MVPD certification is so cumbersome and expensive, I am eager to explore ways in which such manufacturers can forego unnecessary coordination and negotiation with MVPDs. These elements of a new video device landscape – however designed – can help us achieve what is best for consumers: a competitive retail market where innovation is not only permitted but championed.

In the interim, the CableCARD NPRM seeks to address the most immediate flaws in the current system. The Media Bureau has devised what appears to be a comprehensive set of basic proposals that can help consumers while we attempt to revamp the entire system. Important suggested changes include reforms to the handling of switched-digital technology, the industry's pricing and billing practices for CableCARDS, CableCARDS installation, and the process of CableCARD device certification. I look forward to input from all parties to help guide us towards the most effective and creative interim solutions to this broken regime.

I encourage all industry players to follow the lead of those who have already signaled their constructive involvement in the process. I look forward to engaging on these issues, and will rely on industry and public interest experts alike as we take a second crack at fulfilling the mission given to us by Congress.