

**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

Re: *Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage; Revision of the Commission's Program Carriage Rules, Second Report and Order in MB Docket No. 07-42 and Notice of Proposed Rulemaking in MB Docket No. 11-131*

I am pleased that the Commission is moving forward with improvements to our program carriage rules. We have heard, from Members of Congress and independent programmers, that clarity is needed for a more transparent process, and I hope that the issues we raise in our NPRM and the decisions we reach in our Order are productive steps in that direction.

Our complaint process has been called slow, impractical, and unfair, and the deadlines we establish for the FCC's Media Bureau and Administrative Law Judges when acting on program carriage complaints will offer a greater element of predictability to programmers and operators awaiting a decision. Further, in solidifying what a complaining party must demonstrate when claiming a carriage violation has occurred, the Commission is seeking to make our evidentiary process clearer and more cogent.

I look forward to the feedback that will result from the language in our NPRM, as the issues we raise regarding potential damages, retaliation, and the timing for the filing of a program carriage complaint are of paramount importance in laying out a roadmap for independent programmers and their expectations via our framework. Greater certainty and broad clarification has been needed for some time, and I am glad that we are on our way to providing it.