

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Revision of the Commission's Program Access Rules*, MB Docket No. 12-68 et al.

Today we vote to sunset the Commission's Program Access Rules enacted by Congress 20 years ago, but not without providing increased protections that will further strengthen our ability to resolve disputes within a set time frame.

There is much debate over the level of competitiveness in the current video market, and I suspect that this will continue. But our job – to ensure that no matter the opinions and actions of industry on either side of a dispute, that consumers are not caught in the middle – to me is quite clear. While the Order released today reaches a conclusion with which I ultimately agree, I felt it necessary to include language that strengthens what already exists on our books.

While the exclusive contract prohibition will indeed sunset, and the opportunity for discriminatory and exclusive dealing will still exist, the language of this rulemaking will seek to end the ability of a defendant in a program access dispute to prolong the FCC's adjudication timeline with time-consuming dilatory maneuvers.

As the language states, we put forth a six-month deadline for the FCC's resolution of program access complaints on a case by case basis. This will help to resolve disputes quickly and efficiently, provide certainty to all parties to the complaint, and fulfill our statutory mandate to provide for expedited review of program access complaints. Both sides of a dispute will be afforded the pleading timeline that is currently in place, but in the interest of fairness, the Media Bureau must render a decision within 2-3 months after the record closes. It is my hope that such a timeline will get rid of the uncertainty, expense, and frustration that comes with prolonged litigation before this agency, and resolution within six months will allow unsuccessful complainants to evaluate their options and proceed accordingly.

Further, the questions we ask regarding a rebuttable presumption that a complainant challenging an exclusive contract involving a cable-affiliated regional sports network be entitled to a standstill of an existing programming contract during the pendency of a complaint will give us valuable input into the record on the need, or lack thereof, of such an amendment going forward.

I am also pleased that we are also seeking comment on the possibility of further presumptions, specifically on the unfair act and significant hindrance elements of a challenge to an exclusive arrangement involving a cable-affiliated *national* sports network.

I want to thank the Media Bureau, especially the tireless work of David Konczal, for their diligence on this item and the meaningful additions that were added.