

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, CS Docket No. 98-120.*

In 2007, the Commission implemented rules to ensure that analog cable subscribers (of which I was one in 2007 and remain so to this day) did not lose their must-carry broadcast stations after the digital television (DTV) transition. At that time, my colleagues and I endeavored to ensure a smooth and seamless DTV transition by requiring hybrid cable systems to carry both the analog and digital signals of must-carry broadcast stations. As stated in the 2007 order and as referenced in my statement to that order, this requirement "shall be in force for three years from the date of the digital transition, subject to review by the Commission during the last year of this period." Thus, cable operators, broadcasters and consumers have been on notice since 2007 that the elimination of this rule was more than a mere possibility.

Since our consideration of this matter in 2007, the video programming marketplace has experienced dramatic change. The DTV transition has been successfully completed, new technologies and platforms have entered the market, high-definition (HD) channels now abound, and broadband capacity is at a premium. Today, affordable set-top boxes that enable cable subscribers to view digital signals are available. Such low-cost equipment was not obtainable by consumers when we adopted the rules requiring cable operators to maintain analog streams for must-carry broadcast channels.

Further, to meet the demands of American consumers, many cable operators carry vast HD offerings. In fact, HD channels have increased by 732 percent over the past five years. Many cable systems dedicate bandwidth to carry separate high-definition, standard-definition (SD), and analog streams of certain channels. Cable operators also need substantial capacity to provide the Internet services that Americans require. In fact, each 6 megahertz analog channel can be used to provide 10 to 12 SD digital streams, 2 to 3 HD channels, or significant broadband capability. Required carriage of analog signals, when there is a low-cost, less burdensome means for cable operators to comply with the statute, is not an efficient use of resources.

For these reasons, I vote in support of today's order that implements the 2007 intent to sunset the viewability rule in favor of a more flexible approach that allows cable operators to decide whether to maintain both the analog and digital streams or make available affordable set-top boxes. Although I had hoped that cable operators would have migrated to all-digital cable systems by now alleviating the understandable concerns of must-carry stations, I continue to maintain that Commission rules need to be modernized to reflect the current media marketplace and development of new media technologies and platforms – such as the Internet and mobile devices – that have revolutionized the video programming market. We are doing so by taking this action today.

Finally, I expect that the cable industry will work with the affected broadcasters and their viewers (such as myself) to ensure that, if analog signals will be ceased, consumers are aware of how to obtain an affordable set-top box and that such equipment is provided in a timely manner so that consumers are not inconvenienced and broadcasters do not lose viewership. I also trust, however, that the ability to reimpose a dual carriage requirement as a remedy in the case of consumer complaints will be used with great restraint and will not be utilized as a means to reinstate this rule on a case-by-case basis. I thank the Chairman and Commissioners Clyburn, Rosenworcel and Pai for their willingness to engage in an open dialogue on this matter. And many thanks to the Bureau for its work on this order.