

STATEMENT OF COMMISSIONER AJIT PAI

Re: Cable Television Technical and Operational Requirements, MB Docket No. 12-217

In this Notice of Proposed Rulemaking, we seek comment on a variety of modifications to the Commission's Part 76 technical rules to account for the rise in digital cable service. Or, to put it another way, we begin the process of matching our cable regulations to the realities of the American marketplace. The ongoing transition from analog to digital cable systems is bringing widespread benefits to consumers, enabling them to enjoy more advanced services, a wider range of programming choices, and better picture quality. This item appropriately seeks to accelerate these trends.

I am pleased to support this effort and commend the Chairman for his leadership on this front. Given the pace of change in the communications industry, it is imperative that we review our rules regularly and assess whether they should be updated or eliminated to reflect changes in technology or marketplace conditions. As the technology used to transmit signals is changing, so too must the Commission's rules. In keeping with this approach, this item seeks to modernize our technical standards for cable systems while at the same time minimizing the burdens we place on the private sector.

I am optimistic that the proposals set forth in this Notice of Proposed Rulemaking represent a common-sense approach for moving ahead, and I look forward to reviewing the input of cable operators, consumer groups, local franchising authorities, and all other stakeholders. There are, however, a couple of issues that merit special attention.

First, I do not oppose asking for comment on whether we should supplement our current "proof-of-performance" rules with qualitative measures to assess subjective consumer perceptions of video quality, but I do think we should proceed with caution in this regard. Administrative rules should be clear and easy to administer, and it may be difficult to make an accurate judgment as to what is in the eyes of millions of beholders.

Second, we seek comment on a few ideas that could have the effect of increasing testing requirements on cable systems. In assessing such proposals, I will carefully examine the record to see if the costs of these proposals are outweighed by their benefits.

Finally, I hope that this item portends further reforms to our Part 76 rules. For example, I would support resolving another issue related to the transition from analog to digital cable service: basic tier encryption. I stand willing to work with the Chairman and my fellow Commissioners on this and other matters that could bring cable regulation more fully in line with the times.

In conclusion, I want to thank the Bureau staff for their hard work on this complicated and highly technical item. I particularly want to thank Jeff Neumann, Michelle Carey, and Alison Neplokh for translating several parts of it into plain English for me during a briefing earlier this week.