

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Promoting the Availability of Diverse and Independent Sources of Video Programming*, MB Docket No. 16-42.

While much has changed when it comes to the viewing habits of Americans since the passage of the 1992 Cable Act, Multichannel video programming distributors maintain significant influence in the ever expanding video programming marketplace.

Since my arrival at the FCC in the summer of 2009, I have met with and spoken to dozens of independent programmers from extreme ends of the ideological spectrum. Politics and prose aside, they find agreement on three core issues: each says that they are facing insurmountable challenges when it comes to acquiring program carriage; that it is difficult to receive fair or reasonable contract terms; and growth in their online distribution model is inhibited, because program distribution access is often restricted via contract.

During the recent AT&T/Direct TV merger, a number of these issues were raised yet again by many parties, including independent and network-affiliated programmers as well as small cable operators, who repeatedly requested relief. While we found that the issues raised were perhaps not best handled in the context of that merger, the level of concern, I felt, merited a separate proceeding where we could explore and gain a better understanding, of the video programming marketplace and whether certain practices by operators, as claimed, are limiting the ability to reach viewers.

While I remain unsure that the Commission is the best place to answer or resolve the issues raised in today's Notice of Inquiry, we are enabling discussions about what role, if any, the Commission should play in addressing obstacles that may be preventing greater access by consumers to independent and diverse programming. This is a concern because fostering diversity of programming is an important goal of our work. Section 257 of the Communications Act tasks the Commission with carrying out the national policy of seeking to promote the purposes of "favoring diversity of media voices, vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity."¹ Does this provision give the agency the authority to act in this area, or are some the issues that independent programmers bring forth best resolved by other agencies, or by industry-driven solutions?

The goal of this Notice of Inquiry is to launch a fact-finding exercise that will start a conversation on how best to promote the availability of diverse and independent sources of video programming, including Public, Educational and Governmental Programming. And any issue that brings together a content provider who campaigned for my ouster and another who sings my praises, surely merits a robust discussion.

Again, I want to thank the Media Bureau for this item, especially Martha Heller, Raelynn Remy, Calisha Myers and Holly Saurer.

¹ 47 U.S.C. § 257(b).