

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Electronic Delivery of MVPD Communications*, MB Docket No. 17-317; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105

I am pleased that the Commission continues its pursuit of addressing outdated cable regulations. Last month, when we launched a proceeding that I hope will result in the end of the Form 325, I encouraged the Commission to think bigger and address more obsolete regulations in each NPRM. I also encouraged the Commission to consider clarifying in our rules that “written” notice can be electronic notice and to consider alternative notices for retransmission consent elections other than certified mail. This item meets that challenge.

It is time that our rules reflect that consumer desire for information has gone digital. There are many occasions when emailing a consumer is more appropriate and reflective of how the public communicates today than using the antiquated Postal Service. This item tentatively concludes that various requirements on cable operators to provide generic “written” communications to subscribers can be interpreted to include electronic delivery.

When it comes to annual notices, rather than just having the option of delivering by mail or electronic means, I support allowing companies to post the requisite links on their websites. For the consumer who wants this information, this is a logical place to find it. For the consumer that does not, why clutter their mailbox or inbox? I am pleased to see that this item considers what steps will be needed to permit electronic delivery of annual notices via other means reasonably calculated to reach the individual consumer. I hope as we move to a final order this approach will be permitted.

Finally, I was pleased to see the Commission consider revising our rules on broadcast carriage election notification. Under our current rules, broadcasters must send MVPDs notice of their decision to opt into retransmission consent versus must-carry via certified mail. We ask in today’s item how to revise our rules and what alternative means are available to serve these triennial election notices. I thank the Chairman for accepting my edits to bolster this section and hope we can quickly move to a final order on this topic as well. The retransmission consent process is often contentious enough without having to fight over whether documents were appropriately mailed.

For these reasons, I support today’s item. Next year, I trust we can move to final orders on the topics we have teed up and continue clearing out the regulatory underbrush. I am also eager to begin looking at some of the more substantive ideas proposed in the record. Overall, our media

modernization proceeding has shed light on a number of burdens that have outlived their usefulness and I thank the Chairman for his attention to this topic.