

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Leased Commercial Access*, MB Docket No. 07-42; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105

This item vacates the 2008 leased access order, requests input on the state of the current leased access marketplace, and proposes several reforms to our rules, including requiring cable operators to respond only to bona fide requests, setting a timeframe for responses, and allowing application fees or deposits to cover the costs of responding to such inquiries.

It does not appear that many take advantage of leased access today. To me, this is a good thing, as it is a rule that has outlived its prime, if such a time ever existed. Leased access is a creation of statute, not Commission rule, so there is only so much we can do to modify our requirements. Perhaps, after we collect updated data on the current state of the leased access market, we can present Congress with a compelling reason to consider potentially changing or repealing the current statute. But that will have to be up to them.

Until then, this item at least clarifies the Commission's current position on leased access, which has been uncertain since our rules were stayed in May 2008. My hope is this item is not a hornet's nest that results in renewed interest in the service, adding further contention. I will vote to approve this item because I hope that it marks the beginning of the end for the current leased access rules, not a new chapter in its revitalization. I approve.