

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Petition for Determination of Effective Competition in 32 Massachusetts Communities and Kauai, HI (HI0011)*, MB Docket No. 18-283 and CSR No. 8965-E.

It may come as no surprise that I strongly support this Order, which addresses some of the areas that remain after the last Commission, on a bipartisan basis, changed the presumption for the effective competition test. This item rightfully acknowledges that over-the-top (OTT) video services can, and do, compete directly with traditional multichannel video programming distributors (MVPD). Consistent with the statutory test, cable subscribers in the affected communities have access to broadband and, as a result, the very real ability to choose between video providers with quality content, thus eliminating the need for rate regulation of the basic tier by every applicable local franchise authority. And, our determination here does not in any way subsume OTT services within the broken Title VI regime.

I must admit that I'm slightly surprised at the pushback we've received for rooting out the last vestiges of rate regulation when the statute and the record clearly demonstrate effective competition through the LEC prong. It proves, once again, that the desire by some to regulate and over-regulate never subsides, regardless of the facts.