

**STATEMENT OF
CHAIRMAN AJIT PAI**

Re: *Cable Service Change Notifications*, MB Docket No. 19-347; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105; *Amendment of the Commission's Rules Related to Retransmission Consent*, MB Docket No. 10-71.

If you've ever experienced a Washington, DC winter, you know of our area's strange relationship with snow. The forecasts almost always overestimate the amount of snow we actually get, snowfall of more than three inches paralyzes the city, and a snowflake or two is enough to close the Montgomery County Public Schools. And although we often speak of the great blizzards that kept us trapped at home with our children for a week—Snowzilla, Snowpocalypse, Snowmageddon—we never seem to remember those blizzards that didn't come to pass.

Likewise, although consumers remember the television blackouts that denied them their favorite shows or live sports, they generally don't remember the blackouts that never happened. And the fact is that most contentious retransmission consent and program carriage disputes between broadcasters and cable programmers, on the one hand, and cable operators, on the other, are resolved shortly before existing agreements expire—sometimes hours before the existing agreement ends. Perhaps that's because, as Professor Moriarty said in an episode of *Star Trek: The Next Generation*, “A deadline has a wonderful way of concentrating the mind.”

But our rules don't reflect this marketplace reality. They require at least 30-days' notice of a channel deletion if that deletion is within the control of the cable operator. And the Commission many years ago suggested that blackouts that result from failed retransmission consent or program carriage negotiations are within the control of a cable operator. But it doesn't make sense to require cable operators to send out a notice that programming will be dropped whenever carriage negotiations carry into the last 30 days of a contract. That's because the vast majority of these potential channel deletions never come to pass, as the impasse is resolved within that 30-day period. So these notices mainly serve to confuse consumers and desensitize them to notices of channel deletions that are actually going to occur. It would be as if during the winter, weather forecasters were required to notify the public each day that it might snow in 30 days.

The NPRM we adopt today, however, proposes to make our notification requirements more meaningful and accurate for consumers by requiring them to be sent as soon as possible after retransmission consent or program carriage negotiations have failed and a channel deletion is in the cards. In my view, this change would reduce consumer confusion and provide subscribers with the information they need to make informed choices about their service options. This item also proposes revisions to other rules to eliminate redundancies and make some technical tweaks to make rules a bit more readable. Anyone who's enjoyed the simple pleasure of reading Part 76 of the FCC's rules by a fireplace during a holiday blizzard will know that some of our rules aren't quite models of clarity.

I'd like to thank the dedicated Commission staff that worked on this item. From the Media Bureau: Michelle Carey, John Cobb, Maria Mullarkey, Brendan Murray, and Sarah Whitesell. And from the Office of General Counsel, Susan Aaron and David Konczal. I hope your holidays are filled with reading far more interesting than Part 76.