

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

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.

Chief among our responsibilities at the Commission is protecting consumers. This is a responsibility that I take very seriously. The FCC, at its best, is an important referee on the field making sure that consumers receive the services that they pay for, aren't charged for services they don't want, and aren't otherwise taken advantage of in the marketplace.

Consumers are currently facing a challenging video marketplace with television blackouts becoming more frequent and lasting longer, and higher bills with increasing fees. Indeed, this year consumers across the country have experienced 276 television blackouts – up from only 8 in 2010 – with the very longest blackout lasting three-quarters of a year.¹ And according to Consumer Reports, cable customers now pay an average of 13 line item fees on each bill amounting to \$450 per year on top of the cost of service.² In this complex and evolving environment, I firmly believe that transparency is key and our regulatees should communicate early and often with customers about any changes to their rates or service.

That is why I approach today's proceeding with some measure of caution. This NPRM proposes to amend our statutorily mandated cable consumer protection rules in a way that, I fear, could result in less information being shared with consumers and more unwelcome surprises in the form of blacked out channels and lost service. Indeed, under the proposed rules, it is possible that the first time a cable subscriber finds out that her favorite channel has gone dark will be the moment that she turns it on to watch her favorite show or a live event. This impacts consumers' pocketbooks, jeopardizes access to services that they pay for and, at the end of the day, is just plain frustrating.

With that in mind, I requested that additional questions be typed up in this item to further explore whether these proposals will work as intended, or whether they could lead to undue and unintended harm to consumers. Specifically, I asked about any consumer harms that could stem from a practice of providing notice to consumers for the first time after a blackout has already begun. In my mind, such a practice runs the real risk of resulting in consumers paying for services that they haven't received and depriving them of a real opportunity to mitigate any service disruptions. I also asked whether there are factors that impact a consumer's ability to change providers in the event of a loss of programming. Often, consumers are locked into contracts with hefty early termination fees that make it more difficult switch providers in the face of an impending or ongoing blackout. I also sought questions about other ways to provide notice to consumers, whether it would be preferable to provide notice closer to the time that a channel is lost, and whether such notices should be included in cable operators' public files.

¹ Brad Adgate, *TV Station Blackouts Are Accelerating: Here's Why*, Variety (Nov. 12, 2019); Drew FitzGerald, *Dish and Univision End Nine-Month Channel Blackout*, Wall Street Journal (Mar. 26, 2019).

² Jonathan Schwantes, Consumer Reports, *What the Fee?! How Cable Companies Use Hidden Fees to Raise Prices and Disguise the True Cost of Service: CR Cable Bill Report 2019* (Oct. 2019).

I appreciate the willingness of the Chairman and my colleagues to add my questions to the item. I hope that answers to these questions will result in a more robust record, and for that reason I will vote to approve this NPRM. I will review the resulting record closely to make sure that our ultimate action here puts consumers front and center.

I appreciate the work of the Media Bureau staff on this item.