

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY,  
APPROVING IN PART, CONCURRING IN PART**

Re: *DIRECTV, LLC; AT&T Services, Inc., Complainants, v. Deerfield Media, Inc. et al., Defendants*,  
MB Docket No. 19-168.

For the first time since the retransmission consent good faith negotiation rules were established, the Commission today adopts notices of apparent liability (NALs) for their alleged violation. Even though it is a novel decision, I agree that the record so far contains sufficient evidence of possible violations to proceed with the notices, and therefore I approve of issuing the NALs. However, I cannot fully endorse our analysis on the amount of the proposed forfeitures and, therefore, concur with respect to that section of the item. Even during better days, when our country is not facing the challenges of a global pandemic, imposing the statutory maximum on individual stations by way of a novel, first-time application of the rules could be disproportionately punitive and significantly threaten the operations of these stations. While appropriate sanctions are warranted for regulatory shortcomings, I hope the Commission will conduct a more thorough analysis of whether to adjust the proposals downward if this case proceeds.