

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
CONCURRING**

Re: *Amendment of Commission Rule Requiring Records of Cable Operator Interests in Video Programming*, MB Docket No. 20-35; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105.

For decades, the Federal Communications Commission has required that broadcasters, cable operators, and direct broadcast satellite providers keep public inspection files that include a wide range of information about their operations. Today, the agency addresses one small part of those policies. Specifically, it concludes that cable operators no longer need to include in this file information regarding attributable interests in video programming services because, among other reasons, where such interests exist, information is broadly available elsewhere. To this end, it eliminates section 76.1710 of our rules.

But there is something missing in this process. To get to the conclusion we reach today, it bypasses the law and disregards an outstanding court remand. This is not the right way to do things.

To understand why, start with the Cable Television Consumer Protection and Competition Act of 1992. That was the law that directed the FCC to establish limits on the number of channels a cable operator may devote to programming from its affiliated channels. Our first rules were put in place in 1993. They were revised in 1999. But in 2001 a court remanded those limits back to the agency. A series of rulemakings followed, including one in 2008, when the agency last asked how it should refashion these rules. And then nothing—total silence—until March of this year, when we began a rulemaking to eliminate this requirement altogether.

If this seems like a process skipped a few steps, you're right. It did. That's why six months ago I suggested, along with Commissioner Starks, that we should not have begun a rulemaking to eliminate this rule without first addressing the underlying court remand. That's not unreasonable. It's how the law is supposed to work. But I'm afraid cutting corners here is just par for the course right now. It's how the agency is operating. That's unfortunate—because in this case it's not necessary. For this reason, I concur.