

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Revision of the Commission's Part 76 Review Procedures*, MB Docket No. 20-70; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105; *Revision of the Commission's Program Carriage Rules*, MB Docket No. 11-131.

As I have previously noted at length, it is downright nonsensical that the program carriage statute of limitations would begin to run at the moment potential complainants notify multichannel video programming distributors (MVPD) of their intent to file a complaint with the Commission, instead of from the point at which the alleged discriminatory conduct occurred. I thank the Chairman for providing the opportunity to fix this problem in today's item, and I am glad we have been able to move to order relatively quickly. Clarifying the third prong of the statute of limitations will in no way interfere with the ability of programmers to file carriage complaints in circumstances where warranted. The process remains intact for any potential claims but will provide a more meaningful and definite statute of limitations, and in turn, greater regulatory certainty for affected parties and consumers, avoiding the absurd result of a statute of limitations starting years after an alleged violation.

Today, we also implement common sense reforms to alleviate confusion regarding whether Part 1 or Part 76 rules apply in determining whether an Administrative Law Judge (ALJ) decision goes into immediate effect in the context of program access, program carriage, and open video system (OVS) cases. While I have repeatedly argued that the ALJ role and functions could be jettisoned altogether without any harmful effects, at least we move this tiny fix forward today. And, in delaying the effective date of ALJ decisions for 50 days and providing an automatic stay pending the outcome of any appeals that are filed, we offer a process that is fair for all parties and avoids disruptive programming changes that may, in some cases, harm consumers. The goal here is not to limit the rights of any party who may have cause to file a legitimate complaint or appeal with the Commission, but rather, to ensure a straightforward and transparent process.

In closing, I thank and commend the dedicated Commission staff for their continuing hard work to modernize our media regulations and update our processes to better align with the modern media marketplace. I am very grateful that we have consistently adopted language, in this item and others, to firmly recognize the competitive nature of today's market for video. In my time at the Commission, I have carried the torch for wise and effective deregulation of the media industry, and many of these reforms have achieved bipartisan support. While I am glad for the success we've already achieved, I am mindful that we have merely scratched the surface of the necessary work. The truth of the matter is much of the regulatory — and in many cases statutory — burdens should be completely scrapped. I look forward to seeing who will take up the cause and carry on the effort in years to come.

I approve.