

**CONCURRING STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Amendment of Commission Rule Requiring Records of Cable Operator Interests in Video Programming, Modernization of Media Regulation Initiative*, MB Docket Nos. 20-35 and 17-105, Notice of Proposed Rulemaking.

Today we kick off another rulemaking to modernize our media policies. We ask about changing our rules requiring cable operators to maintain records in their public files about their interests in video programming services. This seems simple. But there is a procedural quirk here that makes this more complicated than it first seems.

Let me explain. For decades, the Federal Communications Commission has required that broadcasters, cable operators, and direct broadcast satellite providers keep public inspection files that include a range of information about their operations. The specific records cable operators are required to keep that are at issue here are a byproduct of the Cable Television Consumer Protection and Competition Act of 1992.

In that law Congress directed this agency to establish limits on the number of channels a cable operator may devote to video programming from affiliated channels. Our first such 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 this agency last asked how it should refashion these rules.

And then . . . nothing. Until today, when we ask for comment on getting rid of the filings required pursuant to the very rule for which a rulemaking is still outstanding.

You might think something here is missing. You would be right. We need to address the underlying remand and we should be doing it before we seek comment on removing the records associated with this rule regarding video programming services. Because this puts the cart before the horse. We have time to fix the underlying issues here before we proceed—and we should. For this reason, I choose to concur.

This latest installment in our media modernization initiative suggests we are looking high and low for rules to rescind. But the truth is we are avoiding the obvious places. Among the most obvious? Well, it's an election year. Those online public files kept by broadcasters, cable operators, and direct broadcast satellite providers include what is known as the political file. It features a treasure trove of information about who paid for political advertisements, when they ran, and what issues of national importance they discuss.

This is an essential tool for transparency in our elections. An estimated \$4.55 billion is expected to be spent on television advertising during this political cycle. So you might want to see where it's going and who is funding candidates. But good luck. Because this agency, dedicated to the digital age, has chosen to leave these files locked away in analog formats. That means it is impossible for the public file to serve as a useful tool for researchers, journalist, advocates, and the public. It's time to fix this mess and modernize these files by making them machine readable.

Today's rulemaking, however, does nothing to address this problem and that's unfortunate, because this is the kind of media modernization our democracy needs.