

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Significantly Viewed Stations*, MB Docket No. 20-73; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105.

The topic of the “Significantly Viewed TV Stations List” is appropriately sensitive, as it represents a departure from certain FCC rule protections that are relied upon by many local network affiliates. Specifically, it provides an exception to the network nonduplication and syndicated exclusivity rules, which protect local broadcast stations from other stations broadcasting much of the same programming within the same television market. However, recent changes by Nielsen to modernize how the company measures viewership have resulted in the need to revisit how the exception for significantly viewed stations operates, and I look forward to seeing how the record develops around these ideas.

On a somewhat related note, I will also briefly raise another issue related to the use of Nielsen data that I would highlight for consideration. We note in today’s item that Nielsen viewership surveys are the data source underlying much of the Significantly Viewed TV Stations List simply as a matter of practice and, likely, efficiency. Another Nielsen measurement, the Designated Market Area (DMA), is codified in the statute and must be utilized when developing data related to local markets. In cases where the DMA must be used as a matter of law, it has created challenges for other broadcast data research firms that have no choice but to pay royalties to Nielsen in order to utilize DMAs in their analysis, as the DMA is a proprietary measurement even though it is widely used throughout the industry. I am not offering any conclusions today regarding this matter, but simply would like to highlight the issue and encourage further analysis regarding whether this is in fact a problem, and if so, how it could be best addressed.