

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS,
CONCURRING**

Re: *Leased Commercial Access, MB Docket No. 07-42; Modernization of Media Regulation Initiative, MB Docket No. 17-105.*

Democracy requires that the public have access to diverse sources of information. Recognizing this imperative, Congress created the commercial leased access regime to “promote competition in the delivery of diverse sources of video programming and to assure that the widest possible diversity of information sources are made available to the public from cable systems in a manner consistent with growth and development of cable systems.”¹ The rules establishing maximum reasonable leased access rates are a core part of this mission, ensuring that unaffiliated video programmers can compete on fair terms. With this action, the Commission simplifies the calculation of maximum leased access rates by adopting a tier-based formula that better reflects the value of a particular channel to the programmer seeking carriage. I agree with commenters that this modification should make compliance less burdensome, particularly for small cable operators.

Despite the robust discussion among commenters in the record about the First Amendment implications of the leased access regime, we wisely decline to pass on the constitutionality of this Congressional mandate. No doubt the marketplace has undergone significant change since the leased access requirements were last updated, with many more options available for viewing content from over-the-top providers and other online sources. But as we make clear in myriad other decisions, not everyone in America is connected to broadband, or has available options for viewing content beyond over-the-air broadcast television and perhaps one cable or satellite provider in their local market. Moreover, there remains a huge disparity in the number of media outlets owned and controlled by people of color and women, which often translates to a lack of locally relevant and diverse programming.

I therefore disagree with the majority to the extent that it suggests we have done the requisite analysis to conclude that competition has eroded the original justification for the leased access rules, in particular with regard to the need to safeguard diversity. We have done no such analysis. I believe the Commission’s time is better spent focusing on efforts to expand the reach of high-speed broadband and to end disparities in media ownership rather than gratuitously seeking to eliminate statutory protections that are specifically designed to promote and preserve diverse programming sources. For this reason, I concur.

¹ 47 U.S.C. § 532(a).