

**DISSENTING STATEMENT OF  
COMMISSIONER BRENDAN CARR**

Re: *Promoting Competition in the American Economy: Cable Operator and DBS Provider Billing Practices*, MB Docket No. 23-405, Notice of Proposed Rulemaking.

Two years ago, President Biden signed an Executive Order directing the FCC to start regulating early termination fees—also known as service rates—for consumer communications agreements. Today, the FCC acts on the President’s demands in the cable/DBS context. It does so at a time when traditional MVPDs are bleeding market share to new, unregulated competitors. And it does so based on illusory statutory authority under the FCC’s customer service mandates. Congress’s charge was to address customer service issues such as wait times on service calls, not rate regulation.

But taking a step back, it’s clear that the Administration has decided that the FCC is going to regulate rates, no matter how competitive the market and without regard to the FCC’s legal authority. We saw it in big proceedings like Net Neutrality and Digital Equity, and we see it in more targeted proceedings like this one. I cannot support this push for rate regulation, and I cannot support this item.

Accordingly, I dissent.