

**STATEMENT OF  
COMMISSIONER BRENDAN CARR, DISSENTING**

Re: *Amendment of Section 73.3556 of the Commission's Rules Regarding Duplication of Programming on Commonly Owned Radio Stations Modernization of Media Regulation Initiative, Order on Reconsideration, MB Docket Nos. 19-310 & 17-105.*

America's radio broadcasters are facing an unprecedented set of challenges. Not only are they working through many of the same economic headwinds that businesses across the country are facing today, while in the background Big Tech companies continue to take greater shares of advertising spend, they are also seeing a large and growing set of unregulated competitors pouring into the market—new entrants that do not face the same regulatory barriers or costs that the federal government saddles on top of broadcasters.

If ever there were a moment for the FCC to modernize its regulations so that broadcasters could compete on a level playing field, that moment would be now. Yet the agency does the opposite today. Rather than accepting the reality that disruptive new forms of effective competition have eliminated the rationales for many of our media regulations—and then heading down the path of pruning back our outdated rules—the FCC decides today to put regulations that the FCC eliminated four years ago back in place.

In 2020, the Commission voted to end a 1960s-era regulation of FM broadcasters because, as the record showed, competition had long since eroded any justification for the rule. Eliminating the rule, the Commission determined, would ease regulatory burdens and costs (thus freeing up broadcasters to focus additional resources on serving their communities) without any offsetting public interest harms.

We now have almost four years of real-world experience to test the wisdom of the FCC's 2020 decision. Presumably, then, the FCC is reversing course for good reasons and not just regulatory reflex. The agency Order today must find that the 2020 vote resulted in actual harms? Nope. Not at all. The FCC musters no evidence on this score. Against the repeal's actual benefits, the FCC offers only theoretical harms that never materialized.

This is fatal to the Commission's decision today. Rather than putting unnecessary regulations back in place, the FCC should be ensuring that America's broadcasters have the flexibility necessary to compete with their unregulated competitors and serve their local communities.

I dissent.