



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

October 8, 2015

1027

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Wheeler:

I write to express concern about the impact that the Federal Communications Commission's (FCC) proposal to eliminate existing network non-duplication and syndication exclusivity rules may have on consumers.

As you know, network non-duplication rules were first promulgated by the FCC in 1965 and enable local broadcasters to protect their privately-negotiated exclusive rights to network content in their local areas. The syndication exclusivity rules, first adopted in 1972, provide similar protection with respect to syndicated content, such as game shows. As a recent Government Accountability Office (GAO) report noted, "FCC's exclusivity rules are part of a broader broadcasting industry legal and regulatory framework, including must carry, retransmission consent, and compulsory copyrights."

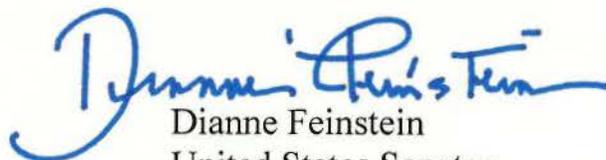
This GAO report also noted that eliminating the exclusivity rules could allow cable companies to "provide television stations from other markets to their subscribers," which "could reduce stations' investments in content, including local news and community-oriented content." I am concerned about the impact that eliminating these rules in isolation would have, especially for low-income communities that may rely solely on local stations for critical news, local programming, and updates in an emergency.

It also is important to consider the impact of eliminating these rules on the statutory copyright licenses for retransmission of broadcast content. This is an issue Congress recently has considered. In December 2014, Congress enacted the STELA Reauthorization Act, which requires a GAO study on these licenses and

what changes in communications law and regulation would be needed if they were phased out. This GAO report is due in mid-2016, but it has not yet been completed.

In short, how television video content is distributed to the American people is a complex issue governed by several different legal parameters. Eliminating one longstanding element of that system may have unpredictable consequences that could end up harming consumers, particularly those who are low-income and rely on local stations for critical information. I therefore urge caution and careful review in proceeding down this road, and also urge the FCC to carefully review the GAO report due in mid-2016 before taking final action.

Sincerely,



Dianne Feinstein
Dianne Feinstein
United States Senator

CC: Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O’Rielly