

**STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, CS Docket No. 98-120.*

The decision to allow the viewability rule to expire was not an easy one for me. Voting to let this rule sunset requires this agency to once again trust corporate stakeholders to act in the public's best interest, and to do so in such a way that meshes with the spirit of the FCC's intentions.

It is of the utmost importance that stations are able to reach any and all cable viewers, regardless of whom or where they are. Cable providers have committed to this office that they will make the transition as painless as possible and that if needed, set-top boxes will be widely available, at an extremely low (if any) cost, easy to get, and easy to install. I will hold them to that commitment.

This step is the one of the biggest examples of a trust-based approach in quite some time, and yes, it comes with some anxiety. As I have mentioned time and again, we look to industry to use best practices, proactive and thorough outreach, and forward thinking when a large-scale change of service is on the horizon. My staff and I have repeatedly pressed cable providers on this point, and have expressed our concerns regarding the availability, affordability, and deployment of TV set-top boxes for the public once the analog signal ceases to be utilized. I also made my hesitancy known to Chairman Genachowski, and mentioned that the only way this transition can effectively serve all Americans is if low-cost converter boxes are attainable to all consumers immediately prior to the transition. I also noted that some consumers may lack the wherewithal to fully realize what has all of the sudden happened to their signals, and we must stand ready to assist them should they seek answers from the Commission.

After stating these concerns, language was added to this rulemaking that contemplates a remedy to resume analog carriage of channels should consumer outcry and confusion rise to a noticeable level. As always, we are prepared to take into account complaints made to our consumer bureau, and will closely monitor the transition. My interest in a smooth adaptation is so great that I will be personally inquiring about it during every one of my field engagements, town halls, and public speaking opportunities going forward. No matter the venue, the audience, nor the subject, I intend to gauge the level of awareness and reaction to this rulemaking with individuals all across the nation. If set-top box fees become higher than I have been led to expect, and viewers experience "box-shock", I will be vocal with the cable industry, and will seek appropriate and stiff remedies.

To be clear: Through this rulemaking, we are not instructing cable companies to shut off their analog signals. Rather, we are giving them the flexibility to do so, consistent with the First Amendment. These companies have a vested interest in providing their subscribers with comprehensive service at reasonable rates, and I am confident that easing the transition away from analog service will be no exception.

Cable companies, both large and small, have committed to provide stations with no fewer than 90 days of notice before switching away from analog service. Further, the six-month phase-in laid forth in our ruling will enable must-carry stations to educate their viewers about the transition, via on-air messages, website postings, mailings, and any other form of communication that will increase viewer awareness regarding the change in service. The better the consumer

expectations, the more likelihood that subscribers will not be surprised, and I expect nothing less than an unprecedented and vigorous canvassing operation from the cable industry in this regard.

I feel it necessary to directly address the issue of diversity in the context of this ruling. While there will be an initial adjustment period once the analog stream is removed, this transition may actually help increase diverse programming via the dedication of more spectrum, which in actuality could lead to more capacity for increased channel options. Going from analog to digital will result in better and more efficient service to consumers, and will allow cable companies to offer more content with less bandwidth. Stemming from this will be the ability to provide more *diverse* services, such as multiple digital streams for a variety of unique offerings, like national diverse and ethnic programming that cannot be currently carried due to space restrictions. Capacity to offer faster and better broadband can be reclaimed, over-the-top video viewing can be done at increased speeds, and the number of new high-definition stations will result in more competition between providers, thus driving down prices for consumers and providing new services for viewers.

Finally, I want to dispel some of the misinformation that has persisted throughout our deliberation of this ruling. All must carry stations will continue to be carried! They will be on the basic service tier that is available to all consumers, and will not be carried in a duplicative nature. This is in furtherance of the undeniable shift in the marketplace, in which everything is going digital. Moreover, it is consistent with other recent rulemakings, most notably the nation's shift to digital television via our DTV transition. That undertaking was done with robust oversight and strong commitments from private industry, and I hope this ruling mirrors it.

Customers must not be burdened any more than necessary, and on that, I will hold cable providers accountable.