

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Channel Lineup Requirements – Sections 76.1705 and 76.1700(a)(4)*, MB Docket No. 18-92;
Modernization of Media Regulation Initiative, MB Docket No. 17-105

Today, we tentatively conclude to eliminate the requirement that cable operators maintain at their local office a current listing of the cable television channels that each cable system delivers to its subscribers. We find this requirement to be “outdated, unnecessary, and inconsistent” with efforts to put this material online. Because this information is available elsewhere and I find it highly unlikely that consumers are trekking to their cable operator’s local office to view this information, I support this conclusion.

We also seek comment on whether we should reconsider the requirement to make this information available through the online public file. Again, as this information is available elsewhere, this seems like another important reform. The item asks if Commission regulation in this area is unnecessary because cable operators have the economic incentive to ensure that both current and prospective customers are able to find out which channels are available. The answer to this is a resounding yes! In fact, NCTA points out that DBS providers are not subject to this mandate and there is no evidence that consumers find this information in the public file useful.

Finally, the item contemplates the impact of our rule changes on small cable operators that are not subject to our public file requirements. I would not support maintaining Section 76.1705 requirements on small cable operators that do not voluntarily maintain a public file. We are talking about systems with fewer than 1,000 subscribers. As the Commission has recognized in other circumstances, smaller entities need more of a reprieve from our rules, not less. Again, these are “outdated, unnecessary, and inconsistent” regulations that do not apply to cable competitors and ignore market incentives to make this information available.

I approve.