

**STATEMENT OF  
COMMISSIONER BRENDAN CARR**

Re: *Leased Commercial Access*, MB Docket No. 07-42; *Modernization of Media Regulation Initiative*, MB Docket No. 17-105

*Beverly Hills Cop. Ghostbusters. Indiana Jones and the Temple of Doom. Karate Kid. Police Academy.* These films were all released in 1984, the same year that Congress passed the leased access provisions of the Communications Act that we apply today. Those provisions require cable operators to set aside channel capacity for use by unaffiliated programmers.

While those films have now aged into classics, the same can't be said for their sequels. And, unfortunately, the FCC's attempts to update our leased access rules have met a similarly notorious fate. Our 2008 leased access order has been stayed by the U.S. Court of Appeals for the Sixth Circuit for a decade. So, I welcome the chance to launch this proceeding and take a fresh look at our approach.

After all, a lot has changed since 1984. Back then, cable accounted for 98% of the pay TV market. Now, over 99% of homes have access to at least three competing video providers. Satellite providers alone now have around 30% of all subscribers. And these figures do not even account for the strong competition consumers are seeing from online streaming services like Sling, Netflix, and Amazon.

Given these marketplace changes, I asked my colleagues to add a new section to the item that seeks comment on the First Amendment implications of our leased access regime. With relatively lower barriers to distributing content, including through online platforms, and a greater number of distribution options, I am interested in hearing from commenters about whether our approach remains consistent with the First Amendment. I want to thank my colleagues for agreeing to seek comment on these issues.

I look forward to reviewing the record as it develops, and I want to thank the Media Bureau for its work on the item. It has my support.