

Comments on the FCC Docket # MB 1071

FCC retransmission update can protect consumers

The FCC has a ready-made opportunity to protect consumers by approving the simple rule updates recommended in the pending [Retransmission Petition](#).

- The FCC has the authority and the obligation to protect consumers by updating the FCC's Section 325 rules with a functional dispute resolution framework and a mandatory interim carriage agreement during negotiations.
- Without these common sense consumer protections, consumers unnecessarily will continue to be unintended collateral damage in someone else's commercial fight.

The petition is laser-focused on updates to the FCC's rules to protect consumers from being used as pawns or hostages in commercial disputes not of their making or interest.

It is highly instructive that [opponents](#) of the retransmission [petition](#) focus most all their argumentation on protecting the status quo, that unnecessarily puts consumers directly in harms way, and that does not directly address why consumers should not be protected as recommended in the [petition](#).

- As I explained in detail in my [previous comments](#), the current FCC rules foster a dysfunctional artificial commercial dynamic where broadcasters have the power and incentive to put consumers' interests last, because there is minimal cost to broadcasters in stoking consumer fears and worries to advance their negotiation leverage.
- Just like no fair and reasonable commercial negotiation should put consumers' interests last, the FCC's rules should not put consumers' interests last.

What is even more instructive is that the recommendation of the opponents of the petition, to create 30 day notice of the potential loss of programming, does nothing to protect consumers from that loss of programming and everything to further ensure that these same consumers actually will be put in harms way with impunity.

- The petition opponents' solution would perversely ignore the intent of the petition, to protect consumers, and perversely make consumers *more* at risk of being unnecessarily concerned and disrupted.

The FCC has a simple binary choice before it, maintain a very consumer unfriendly and out-of-date status quo, or update the FCC's Section 325 rules for the market circumstances that presently exist -- by approving the two recommended consumer protections in the petition.

- The burden of protecting consumers is now on the FCC; the FCC can either protect consumers or protect those that seek to put consumers in harms way for their commercial advantage.

Respectfully submitted,
Scott Cleland
President, Precursor LLC,
www.precursor.com
Chairman, NetCompetition.org,
www.netcompetition.org

Contact information:
7925 Jones Branch Drive #6200
McLean, VA, 22102
202-828-7800
scleland@precursor.com