

It occurs to me that the Commission's reliance on labor law (such as Taft-Hartley with its mandatory arbitration) rather than antitrust concepts of good faith dealing is mis-placed. It seems to me, as a satellite tv subscriber, that the proper approach would be not to require more definition of good faith or even more regulation but to permit the satellite providers and cable operators to negotiate for network programming with any and all providers. Doing otherwise permits local affiliates as monopoly providers to make take it or leave it offers to competitive carriage service providers. This limits the public's access to broadcasts in contravention of the central purposes of FCC regulations. Use by local monopolies with highly concentrated ownership of a so-called private contract (which would absent close FCC regulation amount to a conspiracy to restrain trade) with the networks they are affiliated with to deny my access to two and soon three of the four major national news networks is clearly not in the public interest. I would propose that these three-year agreements all be negotiated simultaneously in each market and, where must-carry is not elected, the carrier be permitted to negotiate with any network affiliate or even the network itself. Good faith does not drive negotiations anywhere nearly as effectively as competition among providers to serve the already competing carriers. At the very least, where no agreement is reached after a period of time (say two months), subscribers should be allowed to terminate without penalty and carriers should be free to obtain substitute service from other broadcasters.

Thank you for this opportunity to provide input.