

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: Cable Carriage of Digital Television Broadcast Signals, Second Further Notice of Proposed Rulemaking, CS Docket No. 98-120

The digital transition in February 2009 will offer television viewers expanded choice in programming and an overall enhanced viewing experience. Without the proper policies in place, however, some viewers may be left in the dark or be unable to realize the full opportunities offered by digital technology. Such a result would be unacceptable.

A lot of attention has appropriately been placed on the estimated 15 percent of Americans that do not subscribe to a multichannel video programming service, such as cable. The federal government has proposed an ambitious and important program to ensure that they are not left behind after the transition. It is equally important, however, to remember that about 50 percent of cable subscribers today – at least 32 million people – subscribe to analog, not digital cable. These consumers also risk losing their broadcast signals after the digital transition unless the Commission acts. The Commission has a statutory responsibility to ensure that these customers are also able to watch broadcast television after the transition.

The 1992 Cable Act is very clear. Cable operators must ensure that all local broadcast stations carried pursuant to this Act are “viewable” by *all* cable subscribers. These commercial and non-commercial must-carry broadcast stations provide consumers with valuable local news, information, and entertainment. Under the statute, cable operators cannot simply cut off these broadcast signals to any of their customers after the transition to digital.

In this item, the Commission proposes to ensure that cable subscribers will not lose access to broadcast signals because of the digital transition. Rather, cable operators should continue to carry these broadcast signals in analog format to the millions of analog cable customers. Alternatively, for cable operators who have chosen go all digital, they should provide their subscribers with the necessary equipment to view the broadcast and other channels.

Importantly, I do not believe that every consumer should be forced to rent a set-top box. Many consumers do not want the expense or hassle of having to get a set-top box. Instead, the cable operator should ensure that all of its customers have access to the broadcast signals, including those customers that do not want to rent a digital box. Today’s Commission action ensures that cable subscribers will not be forced to rent a set top box to view the broadcast signals.

One of the most exciting features of digital technology is the advent of HDTV. Broadcasters are providing all sorts of sports, news and entertainment content in this format and increasing numbers of consumers are purchasing televisions to watch this programming. Consumers with these sets should be able to fully experience this enhanced viewing opportunity. If consumers buy a new expensive HDTV, they

reasonably expect to get high-definition signals. Thus, the Commission reaffirms that broadcast signals delivered in HDTV must be able to be seen in HDTV by cable subscribers with a high-definition set.

I am pleased that the Commission is doing everything in its power to make sure that no American is left behind in this part of the digital revolution and that all Americans reap its rewards.