

STATEMENT OF COMMISSIONER ROBERT M. MCDOWELL

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

Given Congress' DTV deadline, the natural next step for the Commission is to review how cable operators will carry the broadcasters' digital signals. In this Notice, we seek comment on the obligations of cable operators, after the conclusion of the digital transition, to ensure that the digital signals of "must carry" stations are not materially degraded and are viewable by all cable subscribers, as required by law. Even though broadcasters will be all digital by the deadline, some analog cable equipment will remain in cable systems and in the homes of cable subscribers. Accordingly, we must address how to ensure that cable subscribers are able to view the higher quality signals provided by the broadcast stations in their communities. This Notice initiates our review.

Ideally, I would have preferred that we refrain from making specific proposals about these issues at this juncture. In my view, we should first build a record about the marketplace solutions being developed to address cable operators' statutory obligations with respect to material degradation and viewability before we make judgments about what standards the government should impose. I have questions about the possible statutory and constitutional implications involved in this proposed endeavor, particularly with respect to mandating carriage of a broadcast signal in both analog and digital formats. I hope that commenting parties will enlighten us with their views of these issues. I look forward to working with my colleagues to set the appropriate standards to accomplish our common goal through this proceeding in a legally sustainable way.

I thank the Bureau for their hard work and I support this Notice.