

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, MB Docket No. 17-318.

Since the 1940s, the FCC has had rules on the books that limit the number of television stations any single entity can own. Over the decades, as the media landscape has evolved, the Commission has revisited these rules to account for new competitors and advances in technology. Those changes have only accelerated in recent years with the advent of online offerings. Broadcasters now compete for eyeballs with YouTube stars, social media platforms, and streaming services like Hulu and Netflix—not to mention traditional cable and satellite offerings.

In light of these changes, I am glad that we are launching this proceeding, which will examine whether we can and should modify our rule that limits broadcasters—but not others in the video marketplace—from reaching more than 39% of television households in the country. Answering these questions will help ensure that our media ownership rules are neither outdated nor counterproductive.

At the same time, I am surprised that the issue of the Commission's legal authority in this area has generated so much controversy. After all, the FCC determined in 2016 that "the Commission has the authority to modify the national audience reach cap[.]" Continuing, the Commission found that "no statute bars the Commission from revisiting the cap." Congress did not, according to the FCC, "impose a statutory national audience reach cap or prohibit the Commission from evaluating the elements of this rule." All three Democrats on the Commission, including two of my colleagues here today, voted for that order. No one in the majority concurred, wrote a separate statement, or otherwise qualified their support for the FCC's 2016 determinations. While several seats up here have changed since then, the law has not. So the suggestion by some that the FCC now lacks authority to do exactly what my colleagues said the Commission could do in 2016 is curious, to say the least.

Today's Notice asks simply whether my colleagues got it right in 2016 when they determined that the FCC has authority to modify the cap. So far, I have not seen anything that convinces me they got it wrong. But I look forward to reviewing the record as it develops in this proceeding.