

STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL

Re: Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules, CS Docket No. 98-120, Third Report and Order and Third Further Notice of Proposed Rulemaking

We at the Commission have worked hard to establish rules and policies to ensure a smooth digital transition for broadcast television. We now turn towards a separate but related issue: addressing carriage of broadcasters' digital signals by cable operators. The Communications Act directs the Commission to ensure both that cable operators carry broadcasters' signals without "material degradation" and all cable subscribers have the ability to view their local must-carry station broadcast signals.

Regarding material degradation, the Order retains the nondiscrimination standard adopted by the Commission in 2001 with respect to digital signals and the requirement that HD signals be carried in HD. We do not adopt the "all content bits" proposal upon which we sought comment. In my opinion, our decision strikes the appropriate balance between ensuring that broadcast signals are not materially degraded and permitting cable operators to use their technology efficiently to produce both high quality video and high-speed broadband offerings for consumers. The standard we reaffirm today will permit cable operators to take advantage of technological innovations, such as switched digital and advanced compression technologies, to continue providing service to consumers with greater efficiency.

With respect to viewability, my colleagues and I endeavored to ensure that analog cable subscribers – I am one, by the way – do not lose their local must-carry stations from their channel line-ups after the digital transition. The order requires cable systems that are not "all-digital" to provide must-carry signals in analog format to their analog subscribers. This requirement will sunset three years after the broadcast digital transition hard date, with review by the Commission of the rule within the final year. However, I am concerned about the effect this Order may have on smaller cable operators, particularly those with systems of 552 MHz or less. I will urge the Commission to consider waiver requests expeditiously and grant waivers for such providers, where relief is warranted.

I thank my colleagues and the Bureau for their hard work on this item.