



Policy Proposal on Video Programming Distribution

Preamble

- Broadband deployment (at current and next-generation speeds) is critical to the nation for social and economic reasons.
- Investment in new competing networks benefits consumers and the economy.
- Public policy should promote the deployment of, and competition among, diverse broadband platforms and the voice, video and data applications and services they enable.
- Regulatory barriers can discourage and/or impede investment in networks, while deregulation leads to increased investment, competition and innovation.
- The local franchise process is a regulatory barrier to entry that impedes timely investment in new facilities and capabilities, slowing delivery of competitive and innovative services to consumers. This process requires service providers to negotiate and obtain individual and unique authorizations in as many as 30,000 jurisdictions.

Proposal

- The local franchise process should be replaced with a uniform federal system that will be managed by the FCC with limited input by existing local franchise authorities.
- New Entrants
 - New entrants may obtain authority to distribute video programming by registering with the FCC. Registrants will immediately be permitted to provide such services nationwide.
 - Local franchise authorities (LFAs) will retain limited authority. An LFA may require a national registrant to negotiate specific obligations on fees, PEG channels and consumer protection. Disputes between the registrant and the franchise authority can be arbitrated by the FCC.
- Existing Providers
 - Existing providers may obtain national authority to enter new markets immediately.
 - Existing providers may replace their current franchise agreements with a national authority on a franchise-by-franchise basis upon the earlier of (1) a finding by the FCC that the franchise area is competitive; (2) a showing to the FCC that a New Entrant had entered the market and its product is offered and available; or (3) an established date in the future.