

Congress of the United States
Washington, DC 20510

October 18, 2023

The Honorable Jessica Rosenworcel
Chairwoman

The Honorable Brendan Carr
Commissioner

The Honorable Geoffrey Starks
Commissioner

The Honorable Nathan Simington
Commissioner

The Honorable Anna M. Gomez
Commissioner

Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Dear Chairwoman Rosenworcel, Commissioner Carr, Commissioner Starks, Commissioner Simington, and Commissioner Gomez:

We write today out of concern for the future of the media market and our constituents' ability to access broadcasters' unique locally-focused content on streaming platforms, otherwise known as virtual multichannel video programming distributor (vMVPDs).

Under current law and Commission rules, a traditional cable system or other multichannel video programming distributor (MVPD) must gain consent from a local television station before retransmitting its signal. This retransmission consent system was the centerpiece of Congress's commitment in the Cable Television Consumer Protection and Competition Act to providing local television stations the ability to offer American viewers more locally-focused programming. In 2014, the Commission initiated a proceeding to evaluate the potential modernization of the definition of MVPD to include streaming platforms that offer linear multichannel programming. Virtual MVPDs are not subject to the same regulatory requirements as traditional distributors, including with respect to retransmission consent and requirements to negotiate directly with local television stations for the retransmission of their programming.

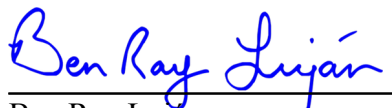
Meanwhile, nearly a decade since the public comment period closed, there has been a monumental shift in the marketplace and the way people access video content. Internet-based streaming services now have a sizable portion of the video programming distribution market – and this is only expected to grow as streaming companies actively urge consumers to switch

from traditional television providers like cable and satellite TV to virtual offerings and other video streaming services. The shift from broadcast, cable, and satellite to streaming has profound impact on existing laws, regulations, and agreements that have been foundational in support of public safety and access to local news.

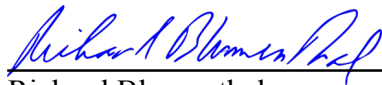
In light of these marketplace changes, we urge the Commission to examine the video marketplace and seriously consider how it can ensure the viability of local broadcast stations and promote localism. As the expert agency, the Commission should be developing a record and recommendations to ensure that our regulatory system – which has enabled a thriving locally-focused broadcast system that is the envy of the world – is not undermined by the explosion of new technologies that were not foreseen even a mere decade ago. Accordingly, we urge you to refresh the aging, unclosed record from the 2014 proceeding by seeking new public comments to provide updated video marketplace information.

Thank you for your attention to this important issue, and we look forward to your prompt reply.

Sincerely,



Ben Ray Lujan
United States Senator



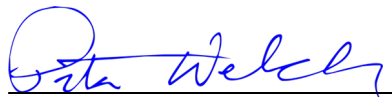
Richard Blumenthal
United States Senator



Raphael Warnock
United States Senator



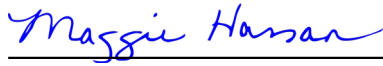
Sherrod Brown
United States Senator



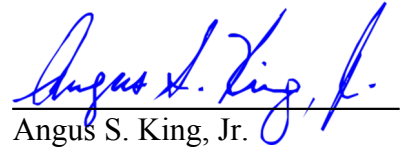
Peter Welch
United States Senator



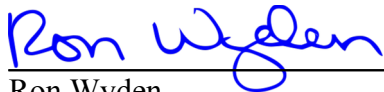
Michael F. Bennet
United States Senator



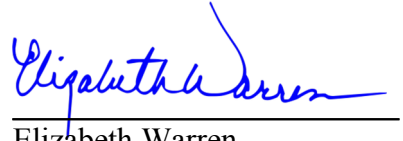
Margaret Wood Hassan
United States Senator



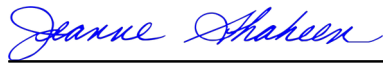
Angus S. King, Jr.
United States Senator



Ron Wyden
United States Senator



Elizabeth Warren
United States Senator



Jeanne Shaheen
United States Senator



Sheldon Whitehouse
United States Senator



Bernard Sanders
United States Senator



Tina Smith
United States Senator



Amy Klobuchar
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Edward J. Markey
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Chris Van Hollen

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Jeffrey A. Merkley

Jeffrey A. Merkley
United States Senator

Tammy Duckworth

Tammy Duckworth
United States Senator