

June 10, 2016

Mr. Thomas Wheeler  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Chairman Wheeler:

In recent months, I have heard from many Kentuckians expressing their opposition to the Federal Communications Commission's (FCC's) Notice of Proposed Rulemaking on Navigation Devices, more commonly known as the "set-top box" proceeding. I write to say I share those concerns and encourage the FCC to reconsider moving forward.

In the last decade, we have witnessed a revolution in how Americans receive news, sports, and entertainment content. A few years ago, most video programming was only widely available at the time of broadcast via a television that was wired to a cable or satellite feed. Today, millions of consumers receive that same content on their phone, tablet, laptop, over-the-top streaming devices... wherever and whenever it works for them.

These advances are not the result of FCC mandates or congressional directives. Instead, they are the result of a free market in which content providers, programming distributors, device manufacturers, app developers, and consumers willingly agree to terms they each find beneficial. The content providers are compensated for their creativity through license agreements, the programming distributors provide valuable content to their customers, and the consumers can receive the content they enjoy in a time, place, and format of their choosing. As Commissioner O'Rielly recently noted, these advances are "due to disruptive technologies, not disruptive regulation."

Despite this progress, the FCC takes a markedly different direction in its proposed set-top box rule-making. Rather than applying a light regulatory touch, the FCC would require existing programming distributors to provide the copyrighted programming they have licensed from content providers to third party manufacturers and app developers, none of whom would be bound by the agreements to protect this content.

I am particularly concerned about the impact of these changes on small programming distributors and the customers in rural America, especially Kentucky. Even absent these new proposed mandates, providing video services in a rural area poses many challenges. As a number of Kentucky distributors have noted, the rural geography means higher costs to deploy fiber and their small customer bases means they frequently pay higher costs for content. The proposed set-top box regulations would add new costs for hardware and equipment that will inevitably be borne by consumers.

These problems with the proposal are not lost on Kentuckians. In recent months, I have heard from hundreds in Kentucky who are concerned about the impact of the content they enjoy, about the

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complexity of compliance, and about the potential added costs of new hardware to meet the new standards. And I hope the FCC will listen carefully to the myriad similar concerns raised by lawmakers and organization across the ideological spectrum and reconsider moving forward.

Thank you in advance for your attention in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mitch McConnell". The signature is fluid and cursive, with a long horizontal line extending to the right.

MITCH McCONNELL  
UNITED STATES SENATOR

MM/qs

cc: Mignon Clyburn, Commissioner, Federal Communications Commission  
Jessica Rosenworcel, Commissioner, Federal Communication Commission  
Ajit Pai, Commissioner, Federal Communications Commission  
Michael O'Rielly, Commissioner, Federal Communications Commission