

# United States Senate

WASHINGTON, DC 20510

May 12, 2015

The Honorable Tom Wheeler  
Chairman, Federal Communications Commission  
445 12th St SW  
Washington, DC 20536

Dear Chairman Wheeler:

We write to express concern about the Commission's proposal for implementing Section 111 of the STELA Reauthorization Act of 2014 (STELAR), which we believe is contrary to Congress' direction and may increase the rates that consumers pay for cable TV while reducing the number of channels offered in a cable company's lowest-cost package. As the cable industry becomes increasingly concentrated, the Federal Communications Commission (FCC) must maintain meaningful protections to ensure that American consumers have affordable access to the programming most relevant to them. The FCC's proposal runs contrary to this important responsibility.

Section 111 of STELAR requires the FCC to streamline the process for small cable operators to file petitions for findings of "effective competition" in certain markets. These petitions exempt cable providers from certain regulatory requirements only where they can demonstrate that they operate in markets where competition ensures reasonable rates and meaningful choice of programming for consumers. Congress' goal when enacting Section 111 of STELAR was to provide some administrative relief to smaller providers that often operate in rural areas and may have fewer resources to undertake this petition process.

Unfortunately, rather than focusing on reforms targeting the specific needs of these small cable operators, the Commission's proposal to implement Section 111 goes beyond Congress' stated intent, providing unnecessary regulatory benefits to large cable companies. Specifically, the Commission has proposed to eliminate its presumption of no effective competition, and to presume instead that effective competition for video exists in every community in the country.

We are concerned about the impact that this proposal could have on cable consumers, especially those who rely on affordable access to local stations for the news, weather, sports, and emergency information, as well as public, educational, and governmental access (PEG) channels. As Congress acknowledged in passing STELAR, the current process for determining effective competition should be altered to ease regulations on small cable providers. STELAR was not intended, however, to relieve larger cable companies of any regulatory backstop against rising cable charges or failures to offer relevant local programming. Flipping the presumption, so that effective competition is presumed to exist in every community, as the FCC has proposed to do, would remove a local franchising authority's ability to regulate the rates charged by all cable companies – of all sizes. It would eliminate the important requirement that cable operators maintain a basic service tier for all consumers, a requirement that has historically reduced the

ability of cable operators to make it more difficult or expensive for consumers to access certain programming.

We ask that the FCC reconsider its proposal and instead pursue the administrative changes that Congress passed as they were intended to be implemented. All Americans deserve affordable access to the news, weather, sports, and emergency information most relevant to them, regardless of where they live. We look forward to working with you to achieve this ongoing goal.

As always, thank you for your consideration of our request.

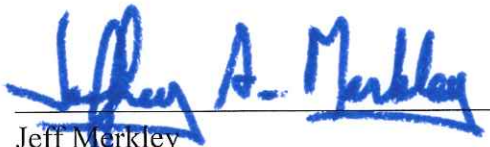
Sincerely,



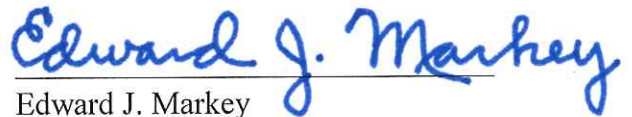
Al Franken  
United States Senator



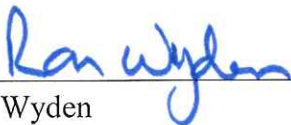
Amy Klobuchar  
United States Senator



Jeff Merkley  
United States Senator




Edward J. Markey  
United States Senator



Ron Wyden  
United States Senator

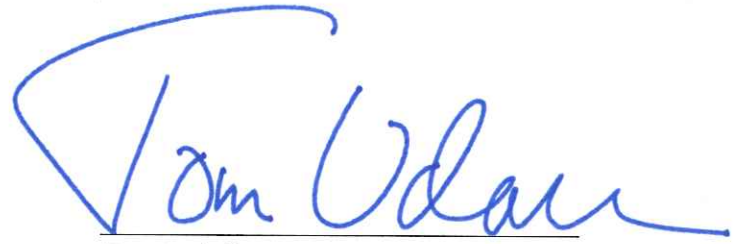


Bernard Sanders  
United States Senator



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Jack Reed  
United States Senator



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Tom Udall  
United States Senator



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Sheldon Whitehouse  
United States Senator



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Sherrod Brown  
United States Senator




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Tammy Baldwin  
United States Senator



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Martin Heinrich  
United States Senator



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Elizabeth Warren  
United States Senator