

**STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS  
APPROVING IN PART AND DISSENTING IN PART**

*RE: Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992; Direct Broadcast Satellite Public Interest Obligations; Memorandum Opinion and Order on Reconsideration of the First Report and Order.*

I dissent in part from this Order because the majority concludes that important public interest rules with which cable and broadcast operators must comply should not be extended to direct broadcast satellite operators. I highlight below two of the issues that concern me the most in this Order.

First, the Order says the rules on political programming should be different for DBS. In Section 335, Congress expressly directed that the political broadcasting requirements of sections 312(a)(7) and 315 apply to DBS. Yet, the Commission determines that it is premature to adopt specific rules to implement this requirement, notwithstanding that there are such rules for cable and broadcast. In the *First Report and Order* this decision was made, in part, because DBS operators were not selling advertising. But today DBS providers sell advertising. If DBS companies are now contracting with programmers to leave ad slots open, then are filling those slots with advertising of their own choosing and at their own rates, the time is now to roll up our sleeves and determine how to implement the statutory requirements. Why wait until problems arise, especially because they may occur in the heat of an election? Clarity today will increase predictability and certainty for candidates for public office, for DBS operators, and for the public. Additionally, given the national scope of DBS's activities, I believe that we should require DBS operators to make their public files readily accessible. Disclosure is good for everyone.

The Commission also decides not to adopt any rules that protect against over-commercialization of children's programming, even though cable and broadcast television must comply with such rules. It states that no protections are needed because "most of the programming offered by DBS is the same programming delivered by cable, including local broadcast programming." Given the harms of over-commercialization in children's programming, I believe we ought to apply commercial limits to DBS just as we apply rules to cable and broadcast.

I am pleased, however, that the Commission plans to address these issues in a *sua sponte* reconsideration decision.