

November 6, 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, DC 20554

Re: MB Docket No. 14-261

Dear Chairwoman Rosenworcel and Commissioners Carr, Starks, Simington, and Gomez,

We write as organizations advocating for a media industry that better celebrates diverse and culturally authentic stories. Together, we work every day to elevate fresh new voices and connect compelling, multicultural programming with new audiences.

We urge the Commission to reject calls to engage in a costly and counterproductive proceeding to reconsider applying legacy cable and satellite regulations to video streaming services. A handful of powerful legacy media businesses refer to this as “refreshing the record” because that sounds better than what it actually is – a self-serving attempt to regulate new media competition and turn back the clock to the limited choices and high bills American households faced before online video services were available.

In 2014, the Commission sought public input, received public comment, fully considered the issue, and ultimately declined to apply the legacy pay-TV rules to streaming – setting the stage for a decade’s worth of investment growth, new competition, more consumer choice, and media innovation.

To be clear, the FCC’s decision nearly a decade ago – not to regulate streaming video services – has done more than any other FCC action on media policy to promote viewpoint and programming diversity and empower consumers with more choice and control.

Thanks to the wisdom of restraint by the FCC, new voices today have more opportunities than ever to speak and be heard and new ways for citizens to find and watch video programming have exploded. Diverse and independent services that could never operate under costly, inflexible cable rules have launched in record numbers, reaching new audiences and telling the American story from an array of new perspectives. Polling released by the [Streaming Innovation Alliance](#) found that seven out of ten voters today view streaming services favorably, with approval even higher among younger voters and in multicultural communities.

This progress has been a particular boon for diverse creators and audiences. A 2023 UCLA study [found](#) that “women and people of color are finding more job opportunities in streaming releases” and in 2021 Nielsen [reported](#) “Americans want more diversity on TV and they’re increasingly finding more of it on streaming platforms.” The largest streaming services feature increasingly diverse programming choices. New services focused on underheard producers and underrepresented groups, like ALLBLK and Revry, are growing quickly and providing more content options than legacy media – and legacy media regulations – ever produced.

Imposing rules designed for the satellite and cable markets of the Twentieth Century on today's dynamic and wildly competitive video market would put this progress at risk, undermine competition and choice, and drive up consumer costs. Consumer Reports recently [testified](#) that these rules would be "hugely damaging to consumers," resulting in higher costs, carriage disputes, and blackouts. Press [reports](#) also acknowledge the rules could "drive up the cost of streaming[.]" As a practical matter, streaming services would be largely frozen in place and new investment could dry up – especially for smaller and niche services with less commercial business models that lack the resources of major corporate services.

Those arguing for the FCC to re-launch this outdated, unnecessary, and risky proceeding claim that in the last 10 years there have been "monumental" changes in the streaming marketplace. We agree – And those changes have been hugely beneficial. The market today is vibrant, innovative, and competitive – and delivers unprecedented value and choice to consumers. That progress *validates* the Commission's earlier judgment and certainly provides no reason to revisit it.

At the same time, the cost of "refreshing the record" on this issue would be substantial. The effort would drain focus, time, and resources from far more vital Commission priorities like closing the homework gap, ending digital discrimination, assessing broadcast ownership rules, improving broadband mapping, managing spectrum licensing, ensuring the future of the Affordable Connectivity Program, and many others.

We urge the Commission to decline calls to "refresh" this proceeding. Doing so would only rewind the progress led by the streaming marketplace in the last ten years for media diversity, business model innovation, and consumer welfare.

Sincerely,

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The Burns Brothers
ForUsByUs Network
The Hispanic Institute
Icon Talks
Japanese Americans Citizens League
The Latino Coalition
National Action Network
nFLUENCE
Rainbow PUSH Coalition
Take Creative Control
Tech Latino - Latinos in Information Sciences and Technology
US Hispanic Chamber of Commerce
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