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CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FOURTEENTH CONGRESS
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Competition
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May 13, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Wheeler:

I write to encourage you to make sure your implementation of Section 111 of the STELA Reauthorization Act of 2014 (STELAR) best serves consumers.

Under existing law, cable companies are required to show that they are subject to effective competition before they can be exempted from certain rules that protect consumers. As part of STELAR, Congress directed the Commission to evaluate how to simplify the process for small cable entities petitioning the Commission seeking a finding of effective competition. Congress gave the agency only 180 days to complete its proceeding on this narrow issue, and that time expires on June 2 of this year. As part of its efforts to implement Section 111 of STELAR, the Commission asked about a broader proposal to flip the presumption for all cable entities – large and small – and assume that effective competition for video services exists nationwide absent a showing to the contrary by a local franchise authority.

I want to ensure that the Commission carefully evaluates the impact of this proposal on consumers. For instance, the Office of Cable Television (OCTV) for the New Jersey Board of Public Utilities, weighed in to the FCC to express deep concerns with the proposal.¹ I urge you to fully consider the input from stakeholders such as OCTV. Because the upcoming statutory deadline applies only to the narrower task of streamlining rules, you should not feel compelled to move forward on the broader policy question if you feel the record in this proceeding is not complete.

¹ FCC, *Amendment of the Commission's Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act*, MB Docket 15-53, Reply Comments of the Staff of the Office of Cable Television for the New Jersey Board of Public Utilities (April 20, 2015).

The Honorable Tom Wheeler
May 13, 2015

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.
Ranking Member