

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: Game Show Network, LLC, Complainant, v. Cablevision Systems Corp., Defendant, MB Docket No. 12-122

I support the item and its conclusion. At the same time, I have difficulty understanding the process in this case and why it took nearly six years to resolve a program carriage complaint. That is not acceptable under any circumstances.

In all honesty, I lost control of the remote years ago, and most of the time the TV is now tuned to *Bubble Guppies*, *Paw Patrol* or *Elmo's World*. But I still sneak in a show or two occasionally and my wife is fond of a number of programs that many would consider women's programming, such as *Say Yes to the Dress*. That said, I have a hard time seeing any scenario in which WE tv or Wedding Central, which no longer exists, could be comparable in any way to the potential target audience of the GSN. Moreover, based on the information presented, it appears that Cablevision made a decision based on its business interests regarding carriage and not one intended to discriminate against GSN. The item properly disposes of these arguments and resolves the complaint correctly.

Looking at the larger picture, this entire process suggests that the Administrative Law Judge (ALJ) function is not working as intended and may no longer be the most efficient means to complete our work. Like others, I would like to see the Commission develop an alternative procedure, in concert with our Congressional overseers, to use our existing processes to sunset or end the ALJ function, or, at a minimum, reduce those matters that are considered by an ALJ. That's not meant as anything personal against our current ALJ. But, as this case highlights, the Commission has to rule on all ALJ decisions anyway, so it is just adding an unnecessary layer to the overall process. I am willing to hear arguments to the contrary, but I cannot fathom a situation where the Commission or Bureau staff cannot get the necessary facts to come to a reasoned decision. More importantly, I don't support the use of the ALJ and hearing designation order process as a threat or means to kill a proposed merger application. Let's end the charade and have Commissioners vote one way or another on applications put before us. I had hoped to expand upon these points in a draft blog I've been considering on this topic for quite a while, but I think I'll just hold off for now.