

**STATEMENT OF
COMMISSIONER AJIT PAI
APPROVING IN PART, CONCURRING IN PART**

Re: Basic Service Tier Encryption, MB Docket No. 11-169

Today's item is a win for consumers. By updating our rules to keep pace with changing technology, cable operators will more often be able to activate and deactivate cable service remotely. This means that fewer Americans will have to rearrange their busy schedules for cable service appointments. It also means they will waste less time waiting for the "cable guy" to come to their homes.

That said, there are some aspects of the item with which I do not agree; I would prefer a less complicated order with fewer conditions. For example, I do not support the highly unusual non-severability provision contained in paragraph 45. The item does not explain why consumers should be denied the benefits of basic-tier encryption if "any provision of the rules, or the application thereof to any person or circumstance, are held to be unlawful or invalid." Indeed, if the application of *any* of the conditions contained in this order are held to be invalid as applied to *any* circumstance, cable operators apparently would be obligated to stop encrypting basic-tier signals even if they had already complied with all of the conditions set forth in this item (*e.g.*, providing free set-top boxes, etc.). The non-severability provision thus seems both overbroad and unnecessary.

Additionally, I believe that a policy judgment to extend the conditions pertaining to IP-enabled devices beyond their three-year term should be made by the Commission as a whole, rather than the Bureau on delegated authority.

Overall, however, I appreciate my colleagues' willingness to improve the original version of this item. In particular, it is important that consumers be provided with notice that clarifies how they will (or will not) be impacted by basic-tier encryption, rather than confuses them.

All in all, the benefits of this item clearly outweigh the drawbacks, so I am pleased to support it.