

Congress of the United States
Washington, DC 20515

September 30, 2015

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

Dear Chairman Wheeler:

We write to share our concerns regarding the proposal to eliminate the long-standing network non-duplication and syndicated exclusivity rules (collectively, the “exclusivity rules”). These rules were adopted to support local broadcast television and help ensure our constituents receive the programming of local stations that is uniquely tailored to their communities. This is particularly important to the low income and minority communities we serve, many of which rely on their local broadcast television stations as their entertainment medium of choice.

Exclusive programming rights can incentivize television networks, syndicators, and local stations to invest in more and better video programming. Most importantly, although we recognize the debate on the subject, when adopted the Commission’s exclusivity rules were intended to ensure that viewers receive the broadcast programming most relevant to them, rather than an out-of-market substitute that affords viewers no local connection.

While we recognize that the market has significantly changed over the years, the exclusivity rules have historically existed alongside the compulsory copyright license that Congress created to allow cable operators’ easy access to copyrighted programming. Repeal by the Commission of its program exclusivity rules would impair the ability of local stations to enforce program exclusivity – a result we believe is not in the public interest.

Over the past decade, Congress has repeatedly considered the question of whether to extend this license, along with our consideration of other broadcast TV-related provisions of the Communications Act of 1934. Just last year, Congress extended through 2019 the distant signal copyright license for satellite carriers while directing the Government Accountability Office to study the consequences of a potential phase-out of the compulsory regime on consumers. We believe those findings will provide the FCC with a more complete record on which to act. As Congress continues to await those findings, we believe it is premature for the FCC to undo the exclusivity rules.


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The Commission's long-standing exclusivity rules encourage investment in local news and public service programming that benefits local communities. We urge you to preserve these rules for the benefit of the local television viewers we serve.

Thank you very much.

Very truly yours,


G.K. Butterfield
Member of Congress


Bobby L. Rush
Member of Congress


Gregory W. Meeks
Member of Congress


Hakeem Jeffries
Member of Congress


Yvette D. Clarke
Member of Congress


Karen Bass
Member of Congress

cc: Commissioner Clyburn
Commissioner Pai
Commissioner O'Rielly
Commissioner Rosenworcel