

Testimony of

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Hearing on the Digital Television Transition

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Thank you, Mr. Chairman, for the opportunity to appear before the Commerce Committee today. I am Edward O. Fritts, President and Chief Executive Officer of the National Association of Broadcasters (NAB). NAB is a nonprofit incorporated association of radio and television stations, which serves and represents the American broadcasting industry.

The television broadcast industry as a whole will spend, by the end of the transition process, approximately 10-16 billion dollars to convert from analog technology to digital technology. Today, 1508 television stations are broadcasting digital signals, which reach over 99.9% of the television households in the country. The promise of this technology for both television broadcasters and viewers is great. Broadcasters will be better able to serve their audiences by offering vastly improved picture quality including high definition (HD), more diverse program offerings on multiple streams, and even non-program services such as data services. The promise of digital television services for broadcasters and viewers alike will be curtailed, however, and broadcasters' investment at least partially stranded, if cable operators are allowed to exercise unchecked their power to refuse carriage of multiple streams of digital broadcast material.

Accordingly, my remarks today will address the importance – for both the broadcast industry and the viewing public – of cable carriage for local broadcasters' full digital signals, including their multicast programming streams. Full signal carriage will help ensure a vibrant, free over-the-air digital broadcasting system and the development of diverse programming to even better serve broadcasters' local communities. It will also advance the digital transition, thereby speeding the clearing of spectrum for the provision of vital public safety services. Moreover, the rapid growth of cable capacity in recent years has rendered negligible any burden that carriage of broadcasters' full digital signals (including any multicast programming streams)

imposes on cable operators. Particularly in light of this tremendous growth in cable capacity, a congressional requirement that cable operators carry local broadcasters' multicast programming streams offered free over-the-air will clearly pass constitutional muster.

Full Signal Carriage Will Help Preserve Our System Of Free, Over-the-Air Local Broadcast Television In The Digital Age.

The Cable Television Consumer Protection and Competition Act of 1992 (Cable Act) was based on the premise that must carry would preserve the benefits of free, over-the-air local broadcast television, particularly for those viewers who did not subscribe to cable.¹ The Supreme Court agreed and recognized that preservation of our system of broadcasting was “an important governmental interest.”² As we change our system of broadcasting from analog to digital, there is no reason to divert from this simple truth. Cable carriage of the full digital signal, whether one HD or multiple program streams, would similarly help preserve our system of free, over-the-air local broadcasting, especially for the benefit of viewers solely dependent on this means of receiving programming.

In the 1992 Cable Act, Congress made “unusually detailed statutory findings” regarding the ability and incentive of cable operators to refuse carriage of the signals of many broadcasters, as well as the harm resulting from that refusal. *Turner*, 512 U.S. at 646. Congress found that “because cable systems and broadcast stations compete for local advertising revenue,” and “because cable operators have a vested financial interest in favoring their affiliated programmers over broadcast stations,” cable operators have a “built-in economic incentive” not to “carry local broadcast signals.” *Id.* Congress concluded that “absent a requirement that cable systems carry the signals of local broadcast stations, the continued availability of free local broadcast television

¹ 47 U.S.C. § 521 note (Cable Act § (2)(a)(12)).

² *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 662-63 (1994).

would be threatened.” *Id.* Indeed, without the 1992 Cable Act, “cable systems would likely carry significantly fewer over-the-air stations,” “station revenues would therefore decline,” and the “quality of over-the-air programming on these stations would almost inevitably suffer.”³

The Federal Communications Commission’s refusal to recognize a carriage requirement for broadcasters’ multicast programming streams within their digital signals has endangered the vibrant, free over-the-air service that Congress explicitly sought to protect in the Cable Act.⁴ Cable operators today compete with local broadcast stations even more fiercely for advertising revenue and continue to have “a vested financial interest in favoring their affiliated programmers over broadcast stations,” thus retaining an “economic incentive” to refuse to “carry local broadcast signals.”⁵ The consequences of the FCC’s action giving cable operators the power to refuse carriage of significant broadcast programming makes effective competition between broadcasters and cable operators virtually impossible. Cable systems now have the ability to deny their direct competitors -- the broadcasters -- access to their subscribers, totaling two-thirds of the potential audience, for any innovative digital multicasting services. Broadcasters deprived of the ability to take advantage of the full economic opportunity that digital technology offers will be unable to compete effectively for the critical advertising revenue upon which

³ *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180, 228 (1997) (Breyer, J., concurring).

⁴ The FCC has erroneously concluded that there is no requirement under the Cable Act for cable systems to either (i) carry both the analog and digital signals of local commercial television stations during the digital transition; or (ii) carry multicast programming even after the transition is completed. *See* Second Report and Order and First Order on Reconsideration, *Carriage of Digital Television Signals*, CS Docket 98-120, FCC 05-27 (rel. Feb. 23, 2005). NAB and other broadcast groups have requested the FCC to reconsider this decision.

⁵ In both percentage and absolute terms, cable’s advertising revenues (for which cable companies compete with broadcasters) have skyrocketed since 1992. Between 1992 and 2003, cable revenue from local advertising increased 367 percent and is estimated to have increased another 13.5 percent in 2004. *See* NCTA, *Cable Developments 2004* at 15 (2004); Eleventh Annual Report, *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, at ¶ 29, MB Docket 04-227, FCC 05-13 (rel. Feb. 4, 2005) (*Eleventh Annual Report*).

broadcasters (unlike cable operators) almost solely depend. The absence of a multicast carriage requirement therefore threatens to undermine the viability of local broadcast stations in the digital age, leading to precisely the decline in the quality and diversity of over-the-air programming that Congress sought to forestall in the Cable Act. And not only will television stations and our system of local broadcasting be injured -- viewers who depend on over-the-air broadcasting for their entertainment and information will be the ultimate losers.

The dangers presented by the FCC's refusal to grant full signal carriage will be particularly acute for over-the-air viewers served by broadcasters in small and medium markets. As the Commission itself has recognized, "the ability of local stations to compete successfully in the delivered video market [has been] meaningfully (and negatively) affected in mid-sized and smaller markets."⁶ Given the already fragile financial condition of many smaller market television broadcasters, the economic threat posed by cable companies' failure to carry multicasting streams is real. Lack of full signal carriage will have a major impact on broadcasters' ability to sustain the very significant costs associated with the digital transition, including the costs of developing new and innovative programming for multicast channels. These costs are proportionally much greater for broadcasters in small and medium-sized markets. Multicasting would permit broadcasters to spread the costs of providing this new programming (including local news and information) over more revenue streams. Offering multiple programming streams will also enhance broadcasters' ability to compete with multichannel cable operators for the limited pool of advertising dollars. Thus, the absence of a full signal carriage requirement will be especially deleterious for broadcasters in medium and small markets and for

⁶ Report and Order and Notice of Proposed Rulemaking, *2002 Biennial Regulatory Review*, 18 FCC Rcd 13620, 13698 (2003). NAB has also demonstrated that the profit margins for network-affiliated stations in medium and small markets have declined in recent years. Indeed, low-rated network affiliates in smaller markets are actually losing money, not earning profits. *See id.*

smaller, less profitable broadcasters in all markets, the very stations that will likely not be carried via retransmission consent negotiations.

For these reasons, the governmental interest in a vibrant, free over-the-air local broadcasting system would be directly advanced by preventing cable operators from blocking the growth of new programming options, including multicast program streams. Congress has a clear “interest in preserving a multiplicity of broadcasters to ensure that all households have access to information and entertainment on an equal footing with those who subscribe to cable.” *Turner*, 520 U.S. at 194. A full signal carriage requirement is essential to preserving a competitively healthy local broadcasting system providing a rich mix of over-the-air programming, especially for viewers solely dependent on free television.

Full Signal Carriage Will Promote The Development Of Diverse Programming For The Viewing Public As A Whole.

Beyond preserving the benefits of free, over-the-air broadcasting, Congress found in the 1992 Cable Act that must carry promoted the widespread dissemination of information from a multiplicity of sources.⁷ When approving the analog must carry rules, the Supreme Court agreed that this also is an important governmental interest. *Turner*, 512 U.S. at 662-63. A full digital carriage requirement would similarly promote the development and dissemination of diverse programming from a variety of sources for all television viewers, whether they subscribe to cable or not.

Broadcast signals are the only channels on a cable system (except for local access and PEG channels) that are not under the control of a single voice, the cable operator. Congress has found that a “primary objective and benefit of our Nation’s system of regulation of television broadcasting is the local origination of programming,” and that “[b]roadcast stations continue to

⁷ 47 U.S.C. § 521 note (Cable Act § 2(a)(6)).

be an important source of local news and public affairs programming and other local broadcast services critical to an informed electorate.”⁸ Increasing the opportunity for local television stations to provide new and innovative digital services directly advances these congressional goals, particularly in light of current concerns over clustering and consolidation in the cable industry.⁹ Carriage of broadcasters’ multicast program streams will in fact guarantee that additional programming sources not under the control of a cable operator are widely accessible and added to the information mix available to both cable subscribers and over-the-air viewers alike in communities throughout the country.

A brief sampling of the multicast services that television stations are currently providing or plan to offer is instructive. As shown below, local broadcasters are using and plan to use digital multicasting streams to provide a wide variety of programming that is currently not available either over the air or on most cable systems. And much of this programming is exactly the type of local and informational programming that Congress sought in the Cable Act to promote.

According to Decisionmark, a media technology company, 585 television stations currently offer at least some multicast programming, and many of these stations offer three or more multicast channels. This programming includes news, weather, sports and religious material. This multicast programming also includes content in foreign languages ranging from Arabic to Vietnamese, with a number of stations providing Spanish multicast programming.

⁸ 47 U.S.C. § 521 note (Cable Act § 2(a)(10) and (11)).

⁹ In June 2004, the four largest cable operators served about 58 percent of all U.S. cable subscribers. *Eleventh Annual Report* at ¶ 15. This consolidation will only increase in the future, as Comcast and Time Warner are acquiring Adelphia’s systems.

Broadcasters have also described their multicast programming and their plans for multicasting in numerous submissions to the FCC.¹⁰ For example, NBC affiliated stations want to multicast weather channels, as well as local alerts and traffic and travel-related information. CBS and NBC affiliates are planning local news channels that would offer local news and extended coverage of local events, local sports and AMBER alerts for missing children.¹¹ The New York Times Broadcasting Group is exploring ways to use multicasting to provide focused local news to viewers in particular towns and communities. The CBS affiliate in Toledo, Ohio is exploring opportunities for multicasting state legislative debates, mayoral press conferences, city council hearings, and school committee hearings. The ABC affiliate in Fresno, California aired full screen election results on its second channel during the gubernatorial recall election. Beyond utilizing multicast capabilities to offer increased local news and other local programming including public affairs, weather and sports, broadcasters have also indicated their interest in using multicasting to air minority-oriented, children's and educational programming.¹²

Broadcast stations are currently offering multicast programming and hope in the future to offer even greater amounts and types of multicast services. However, the absence of any assurance of multicast carriage is a powerful disincentive for broadcasters to invest the considerable sums needed to develop multiple streams of locally-oriented and other innovative

¹⁰ See, e.g., Special Factual Submission by the CBS Television Network Affiliates Association in Support of Multicast Carriage Requirement, CS Docket 98-120 (filed Jan. 13, 2004); Special Factual Submission in Support of Multicast Carriage by the NBC Television Affiliates Association, CS Docket 98-120 (filed Jan. 8, 2004).

¹¹ WRAL-DT, the CBS affiliate in Raleigh, North Carolina, has been offering its viewers HD programming and a full-time local news service on its digital channel for several years. Similarly, KTVB-DT, the NBC affiliate in Boise, Idaho, offers 24-hour local news on a multicast channel.

¹² See Special Factual Submissions of the CBS and NBC Television Affiliates Associations; see also Ex parte submissions of the Minority Media & Telecommunications Council; Black Education Network; DIC Entertainment; and the National Medical Association in CS Docket 98-120.

multicast programming. For example, DIC Entertainment has stated that its plan to offer nationally a free, advertiser-supported, over-the-air digital children's television service is practically infeasible in the absence of mandatory carriage for multicast streams.¹³ No free, over-the-air service dependent upon advertising revenue can hope to survive if it is not carried by cable systems and can therefore be received only by that relatively small segment of the viewing public that does not subscribe to cable. Broadcasters will be reluctant to bring their multicast service plans to fruition in the absence of a clear full digital signal carriage requirement. Stations rightly fear that they will be unable to obtain carriage on many cable systems and that their substantial investments in multicast services will be stranded. As a result, cable subscribers and non-subscribers alike will be deprived of the full benefits that digital technology enables, including multicast programming selected to reflect the tastes and needs of their local communities.

Commercial broadcasters have in fact experienced substantial difficulties in obtaining full signal carriage through negotiations with cable operators.¹⁴ The agreement reached between public television stations and the cable industry pertaining to carriage rights does not in any way suggest that commercial broadcast stations will be similarly successful in negotiating carriage for

¹³ See Petition for Reconsideration of DIC Entertainment Corporation, CS Docket 98-120 at 3 (filed April 21, 2005). DIC stated that no competitive children's service of the kind it envisioned can expect to arrange reasonable carriage terms with cable operators "that have significant reasons to protect the children's services they are already carrying." Because a number of cable operators now have their own local or regional news channels, they are also unlikely to carry a competitive multicasting news stream from a local broadcast station.

¹⁴ Decisionmark has noted the substantial percentage of multicasting commercial stations that cannot obtain carriage for even one multicasting service. Even large television groups, including LIN Television, Hearst-Argyle Television, and the New York Times Broadcasting Group, have cited their inability to successfully negotiate with many cable operators for multicast carriage. And if these groups cannot obtain carriage for their multicast services, then smaller broadcast groups or stand-alone stations would very likely experience even greater difficulties in obtaining carriage. For instance, Marantha Broadcasting Company in Pennsylvania has reported that it has been unable to negotiate carriage with large cable operators for its 24-hour local weather multicast service.

multicast programming on reasonable terms. Unlike public stations, commercial stations directly compete with cable for advertising dollars so cable operators have greatly increased incentives to deny full signal carriage to commercial stations.¹⁵

In light of the multicast services currently offered by broadcasters and their plans to develop further multicast streams to serve their local communities with a wide range of programming, allowing cable operators to exercise unchecked their power to refuse carriage of this valuable programming does not serve the public interest. A full signal carriage requirement would ensure that broadcasters' multicast programming streams can be accessed by that majority of the viewing public subscribing to cable, and would therefore serve Congress' interest in promoting the development and dissemination of a wide variety of programming from a multiplicity of sources.

Full Signal Carriage Will Advance The Digital Transition.

The offering of attractive digital programming, including multicast programming, by local television stations will provide incentives to consumers to purchase digital reception capability (such as an HD receiver or a converter that will allow viewing of digital programs on analog sets), thereby facilitating the end of the digital transition.¹⁶ For example, WDBJ in Roanoke, Virginia, which provides two locally-originated multicasting services, "is helping to stimulate consumer sales of digital tuners in [its] viewing area." To accelerate the digital transition, the station "has fostered two-way communication with viewers owning digital

¹⁵ See 47 U.S.C. § 521 note (Cable Act § 2(a)(15)). And as discussed above, broadcasters and cable operators compete much more fiercely today for advertising revenue than they did when the Cable Act was passed.

¹⁶ Either purchase would count a household towards the 85 percent requirement of Section 309(j)(14)(B)(iii)(II), signaling the end of the digital transition. See 47 U.S.C. § 309(j)(14)(B)(iii)(II).

receivers and HDTV sets” by sending regular e-mail updates about WDBJ’s digital HD and multicast services to customers who have told the station they have digital sets.¹⁷

If, however, broadcasters’ multicast programming streams are *not* carried on cable systems, then viewers subscribing to cable will be unable to receive those programming streams even if they purchase digital receivers – which will obviously reduce the incentive of consumers to obtain digital reception capability. The absence of a full signal carriage requirement will accordingly retard the pace of the digital transition, which does not serve the public interest. Beyond clearing spectrum for auction and, ultimately, the provision of new wireless and other services for consumers, advancing the digital transition will, most importantly, clear spectrum for the provision of vital public safety services.

Particularly In Light Of The Rapid Growth In Cable Capacity, The Burden Of Full Signal Carriage On Cable Operators Would Be Negligible.

Not only will requiring carriage of multicast digital programming streams provide myriad benefits to the viewing public and to our system of free, over-the-air broadcasting, such a carriage requirement will entail little burden on cable operators, particularly in light of the tremendous expansion in cable capacity in recent years. In fact, requiring digital cable carriage of *all* of the separate free programming streams of a broadcaster’s digital signal imposes no greater burden than requiring carriage of a broadcaster’s single digital channel (which is clearly already required by the 1992 Cable Act). A digital broadcast signal will include 19.4 megabits per second of data within 6 MHz of spectrum whether it contains one program stream or multiple streams. From the perspective of the cable operators’ capacity to carry the digital broadcast,

¹⁷ Declaration of Robert G. Lee, President and General Manager, WDBJ(TV)(DT), Roanoke, Virginia, at ¶ 5 (Jan. 8, 2004), Attached to Submission of CBS Television Network Affiliates Association, CS Docket No. 98-120 (Jan. 13, 2004).

there is simply no difference between a broadcaster's decision to broadcast its signal as a single stream or as multiple streams.

As an absolute matter, moreover, the total cable capacity to be used by a digital broadcast signal is substantially less than the capacity used to carry a single analog signal. Because of modulation techniques available to digital cable operators, carriage of the entire digital broadcast signal will use only 3 MHz of cable capacity. Indeed, cable systems, when responding to an FCC survey about cable capacity, agreed that while cable carriage of one analog broadcast television signal required a full 6 MHz cable channel, two digital broadcast television signals could be carried on that same channel.¹⁸ Thus, at the end of the digital transition, digital cable systems will use only half the capacity to transmit local broadcast signals than they needed for the same stations' analog signals. And, as discussed above, a broadcaster using its digital channel to air multiple standard definition streams occupies no more cable capacity for the digital signal, as a practical matter, than a broadcaster airing a single HD programming stream, which cable operators will clearly be required to carry pursuant to existing statutory mandates.

The alleged burden on cable operators of carrying broadcasters' digital multicast programming streams is further shown to be insignificant when one considers the remarkable growth in the capacity of cable systems in recent years. One estimate, drawn from the cable industry's own responses to an FCC survey, concluded that cable program capacity increased 83.5 percent from 1999 to 2003, and additional increases in capacity have and will continue to come on line. *Weiss Study* at 27. The capacity of the average cable system has grown so large that, combined with the benefits of digital compression technology, requiring cable systems to

¹⁸ See Merrill Weiss Group, *Analysis of Cable Operator Responses to FCC Survey of Cable MSOs*, at 12, Attachment A to Reply Comments of NAB/MSTV/ALTV, CS Docket 98-120 (filed Aug. 16, 2001) (*Weiss Study*).

carry all free programming streams of digital stations would not foreclose cable systems from carrying other programs of their choice. Likewise, it would not diminish cable programmers' opportunities to place their programs onto cable systems.

Indeed, the announced plans of cable operators belie their claims that capacity is limited. *Multichannel News* recently reported that “[a]ll the major MSOs have announced plans to launch digital simulcast – or are actively launching it – in their systems.”¹⁹ Digital simulcasting involves carrying *all signals* on a cable system – cable and broadcast – in both analog and digital formats. Although carrying all programming in both digital and analog formats would certainly use far more capacity than carriage of local broadcasters' digital signals (including their multicast program streams), Comcast's senior vice president of engineering operations stated, “[w]e have plenty of capacity on the network side.”²⁰ As another news reports concluded, “[i]t would seem unlikely that [Comcast and Time Warner] would have a capacity problem with dual carriage” (*i.e.*, carrying *both* broadcasters' analog and digital signals during the digital transition), if “voluntary dual carriage is their publicly announced business plan.”²¹ This Committee therefore cannot take seriously cable operators' claims that carriage of broadcasters' digital multicast program streams imposes a material capacity burden on cable systems.

¹⁹ *Multichannel News*, May 23, 2005 at 1, 76. According to this report, Comcast will launch digital simulcast on most of its systems in 2005, and Charter Communications, Cox Communications, Time Warner Cable, Insight Communications and Adelphia Communications also said they would start digital simulcast conversion. These operators serve over 70 percent of all cable subscribers.

²⁰ *Multichannel News*, May 23, 2005 at 78.

²¹ *Multichannel News*, May 30, 2005 at 4.

Requiring Cable Operators To Carry Local Stations' Full Digital Signals Would Clearly Be Constitutional.

In the absence of a burden on cable systems from the carriage of broadcasters' multicast programming streams, a full signal carriage requirement would pass constitutional muster. Indeed, given the expansion of cable capacity previously described, carriage of local broadcast digital signals would not have a material impact on cable speech and thus a full signal carriage rule should not even be subject to a First Amendment question.

As discussed in detail above, the burden imposed by carriage of multiple broadcast streams of a single digital signal is no more than the burden imposed by carriage of a single digital broadcast signal. Further, the burden imposed by carriage of a digital broadcast signal – whether multiple streams or a single stream – is less as an absolute matter than the burden imposed by analog must carry approved by the Supreme Court in the *Turner* cases.²² In addition, due to the explosion of cable capacity and the lack of any significant increase in the number of full power local television stations, the relative burden imposed by carriage of these stations' signals is now a fraction of that approved in the *Turner* cases. Indeed, even the carriage of *both* the analog and digital signals of all local commercial television stations would occupy a far smaller percentage of cable capacity than did carriage of only analog stations when the must carry statute went into effect.²³ The Supreme Court in *Turner* regarded that burden as minimal

²² *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622 (1994); *Turner Broadcasting System, Inc. v. FCC*, 520 U.S. 180 (1997). As set forth above, cable systems can carry two 6 MHz digital broadcast signals in one 6 MHz cable channel, rather than carrying just one 6 MHz analog signal in one cable channel.

²³ According to the *Weiss Study*, based on the cable industry's own reports of its capacity, in 1993 when the (analog) must carry rules first became effective, carriage of local commercial stations occupied 13.35 percent of the capacity of the average cable system. By 1999, cable capacity used by local commercial stations fell by more than half to 6.25 percent. The study estimated that only 8.46 percent of cable capacity would be needed for transmission of *both* analog and digital local commercial signals when all stations were transmitting two signals during the digital transition. And the study concluded that when

and acceptable, particularly in light of the important benefits afforded by must carry.²⁴ Clearly, the smaller burden presented by requiring carriage of broadcasters' digital multicast programming streams should not raise any serious First Amendment questions.

In sum, given the increase in cable capacity in recent years, only a tiny fraction of that capacity will be devoted to carrying local broadcasters' digital signals, including their multicast programming streams. Consequently, a full signal carriage requirement would not have a remotely significant impact on the programming choices made by cable systems or the opportunity of cable programmers to obtain carriage. Because cable programming choices would not be materially affected by any digital must-carry obligations, no First Amendment issue would even be implicated by a full digital signal carriage requirement.²⁵ By upholding the analog must carry rules, which represented an absolutely and relatively greater burden on cable operators than digital must carry obligations would, the Supreme Court settled the question of the constitutionality of any full signal carriage requirement.

Conclusion.

Mr. Chairman, NAB and its television stations members are committed to completing the digital transition expeditiously and to bringing the benefits of digital technology to viewers throughout the country. Digital broadcasting promises both to enhance the competitive viability

analog broadcasting ceased altogether, carrying all local digital commercial signals would occupy only 2.63 percent of cable capacity. *Weiss Study* at 14.

²⁴ *Turner*, 520 U.S. at 215 (affirming constitutionality of must carry because the “burden imposed” is “congruent to the benefits it affords”).

²⁵ The Supreme Court in the first *Turner* case stressed the importance of evidence establishing the “actual effects,” if any, on the programming choices of cable systems in analyzing the constitutionality of the must carry rules. *See Turner*, 512 U.S. at 667-68 (remanding the case to obtain further evidence of the extent the must carry rules burdened speech, particularly the extent to which cable operators would, “in fact, be forced to make changes in their current or anticipated programming selections; the degree to which cable programmers will be dropped from cable systems to make room for local broadcasters; and the extent to which cable operators can satisfy their must-carry obligations by devoting previously unused channel capacity to the carriage of local broadcasters”).

of local commercial television stations and to bring improved video services to the viewing public. But the full benefits of digital technology may not be realized if cable operators are allowed to prevent the vast majority of television viewers from accessing the multiple streams of digital broadcast material offered by local television stations. Requiring cable systems to carry broadcasters' multicast programming streams will help ensure a vibrant, free over-the-air local broadcasting system, will promote the development of diverse digital programming, and will advance the digital transition. These benefits can, moreover, be achieved without burdening cable systems or infringing the First Amendment rights of cable operators. Again, NAB wishes to express its appreciation to the members of the Commerce Committee for the opportunity to testify and for their attention today.