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THE FREE STATE FOUNDATION

A Free Market Think Tank for Maryland.....Because Ideas Matter

Media Advisory

July 23, 2018

Contact: Randolph May at 202-285-9926

[FSF's Randolph May Applauds the Introduction of the Next Generation Television Marketplace Act](#)

Free State Foundation President Randolph J. May issued the following statement regarding the introduction of the Next Generation Television Marketplace Act.

Next Generation TV Bill Would Eliminate Outdated Legacy Video Regulations

On July 23, House of Representatives Majority Whip Steve Scalise reintroduced the Next Generation Television Marketplace Act. The bill would at long last eliminate or substantially curtail legacy video regulations based on perceptions of the market in the early 1990s, or even earlier. If adopted, the NextGen TV Act would bolster free market competition and free speech in the video services market.

When the bill was first introduced in December 2011, I was supportive because the video marketplace already had become sufficiently competitive to get rid of outdated regulations. Of course, with the increasing market power of online video distributors like Netflix, Amazon, and Google, the need for reform is even more compelling now. Indeed, Netflix has far more subscribers in the U.S. to its video service than any traditional cable or satellite video distributor. And Amazon has nearly 100 million U.S. subscribers to its Amazon Prime video streaming service.

Among other things, the NextGen TV Act would repeal the retransmission consent and compulsory cable licensing regulatory regime and allow negotiations for carriage of TV broadcast stations to take place in a truly free market context. So-called “must carry” and “leased access” regulations – which force cable operators to transmit content in apparent conflict with First Amendment free speech rights – also would be repealed by the bill. And it would eliminate media ownership regulations, including bans on newspaper/broadcast cross-ownership and radio/TV cross-ownership in local markets. These bans don’t benefit consumers in today’s competitive marketplace, and they often harm the financial viability of these traditional media platforms.

The Next Generation Television Marketplace Act deserves prompt consideration by Congress.

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Randolph J. May, President of the Free State Foundation, is a former FCC Associate General Counsel and a former Chairman of the American Bar Association's Section of Administrative Law and Regulatory Practice. Mr. May is a past Public Member and a current Senior Fellow of the Administrative Conference of the United States, and a Fellow at the National Academy of Public Administration.

Mr. May is a nationally recognized expert in communications law, Internet law and policy, and administrative law and regulatory practice. He is the author of more than 200 scholarly articles and essays on communications law and policy, administrative law, and constitutional law. Most recently, Mr. May is the co-author, with FSF Senior Fellow Seth Cooper, of the recently released [#CommActUpdate - A Communications Law Fit for the Digital Age](#) as well as [The Constitutional Foundations of Intellectual Property](#), and is the editor of the book [Communications Law and Policy in the Digital Age: The Next Five Years](#). He is the author of *A Call for a Radical New Communications Policy: Proposals for Free Market Reform*. And he is the editor of the book, *New Directions in Communications Policy* and co-editor of other two books on communications law and policy: *Net Neutrality or Net Neutering: Should Broadband Internet Services Be Regulated* and *Communications Deregulation and FCC Reform*.

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