Model Legislation

A Resolution Opposing Government Intervention in the Multichannel Video Programming Distribution Marketplace Through A La Carte or Tiering Requirements

WHEREAS, it is the mission of the American Legislative Exchange Council to advance the Jeffersonian principles of free markets, limited government, federalism and individual liberty, and

WHEREAS, ALEC believes that a competitive marketplace, not multiple layers of regulation, will most efficiently drive the price and diversity of programming available to consumers in the multichannel video marketplace, and

WHEREAS, the multichannel video programming industry is essential to the nation’s economy, commerce and technological growth, and imposing government-mandates on the way this industry distributes and markets its programming to consumers will destroy the economic underpinnings and private property rights fundamentals upon which companies have invested billions of dollars in private risk capital to build new infrastructure and develop new programming that benefit consumers; and

WHEREAS, an impressive and vibrant multichannel video programming distribution industry has developed with minimal government control over programming distribution and marketing to consumers, and particularly without requiring a la carte or specialized tiering; and consumers have benefited by having the ability to choose among hundreds of diverse programming channels; and

WHEREAS, government regulation requiring a la carte or specialized tiering could cause the demise of many existing programming services that depend on an economic model which allows them to be part of a bundle of programming, to attract the necessary viewership to gain needed advertising revenues; and

WHEREAS, numerous independent studies, including ones by the U.S. Government Accountability Office and Federal Communications Commission, have determined that imposing a government-mandated a la carte regime on the multichannel video programming industry could result in increased prices for many consumers while decreasing programming diversity, in part by reducing advertising revenues for program networks.

THEREFORE BE IT RESOLVED that ALEC shall voice its support of minimal, state and federal regulation of the manner in which the multichannel video programming distribution industry distributes and markets programming to consumers over its own infrastructure to the marketplace, and its opposition to government-mandated a la carte distribution or specialized tiering; further

BE IT RESOLVED that ALEC opposes government intervention in a multichannel video programming distribution marketplace that has fostered unprecedented growth in the availability, quality and diversity of video programming to consumers, while also spurring the deployment of new and beneficial services like High Speed Internet service, high definition television, and VoIP, and further

BE IT FURTHER RESOLVED that ALEC urges state regulatory and legislative bodies to
BE IT FURTHER RESOLVED that ALEC urges state regulatory and legislative bodies to refocus their efforts on ensuring that the essential business model under which this growth has occurred is preserved and strengthened, and continues to benefit consumers, including ensuring unlimited access to multichannel video programming; and

BE IT FURTHER RESOLVED that ALEC shall convey its support to the members of the United States Congress and Executive Branch