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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce “Video Competition in a Digital Age” Subcommittee on Communications, Technology, and the Internet October 22, 2009

I want to thank Chairman Boucher for holding this hearing, and I want to thank all of our witnesses for appearing today.

We are in the midst of one of the most profound technological revolutions since the invention of the wireless. It heralds great abundance in the generation and delivery of content, which is all to the good.

We need to ensure, however, that we have an architecture – of policy and technology – that ensures diversity, competition, choice and access.

As always, the interests to be served first are those of viewers and users – the interests of competition and not any specific competitor.

This hearing will help frame these issues.

I especially want to recognize and welcome my constituent Ronald Moore, who is testifying on behalf of the Writers Guild of America – West. Mr. Moore is an Emmy Award-winning writer and producer of some of the most popular science fiction programs in history. I welcome your participation today, and I look forward to hearing your insights on the consolidation of program ownership. It is very important that those who create video programming are not left out of this debate.

The market for the distribution of video programming is changing. Many consumers have the option to subscribe to at least two pay-television services delivered via cable, satellite, or fiber-optic lines. In addition, the transition to digital over-the-air broadcasts has given traditional broadcasters the opportunity to deploy more channels with new and innovative programming. Meanwhile, more and more consumers are relying on their broadband connections to access web-based video services. And these new web-based distribution models

offer great hope for many in the creative community.

As I have indicated, all of these changes are creating both opportunities and challenges. For example, program carriage and program access issues remain, particularly when a distributor owns programming that is comparable to, or competes with, independently-owned programming. In this case, it may be difficult for competitors to field the types of products and services that consumers want. As with other areas of telecommunications policy, the advantages of historic incumbency can be difficult for new entrants to overcome absent government intervention, and I am pleased that even the nation's largest telecommunications companies recognize this fact.

I look forward to reviewing all of our witnesses' testimony and thank you again, Mr. Chairman, for holding this hearing.