Congress of the United States
Washington, DC 20515

July 19, 2012

Roger Goodell
Commissioner
National Football League
280 Park Avenue
New York, New York, 10017

Dear Commissioner Goodell:

We applaud the decision of the NFL to adopt a new policy that will allow teams to lift the local blackout of television broadcasts if at least 85% of nonpremium seats are sold within 72 hours of kickoff. That the League recognizes the blackout rule is outdated and in need of rethinking is a step in the right direction.

However we have serious concerns that the second part of this new policy, which requires teams to forgo a significant portion of revenue from tickets sold over the 85% threshold, dissuades teams from trying this new policy. This punitive policy creates undue tension between the twin goals of ensuring loyal fans can watch at home and endeavoring to sell as many tickets as possible above the threshold. For example, a team that routinely sells out its games early in the season but that might like to lift blackouts on its December games that are not sold out might consider adopting the policy but for the penalty it would incur on the tickets sold to the early season games above the 85% threshold.

With this concern in mind we respectfully urge the NFL to amend the rule by dropping the punitive portion regarding revenue from tickets sold above the 85% threshold. If simply dropping the section is not acceptable, we suggest an alternative amendment. For teams that decide not to opt-in to the new policy for a full season, each team should be allowed two waivers of the local blackout policy per year, which could be activated no sooner than 72 hours before kickoff. The last minute nature of the waiver and the limitation of two waivers would support demand for ticket sales throughout the season, and would allow teams the flexibility to evaluate the decision to lift the blackout on a game by game basis. Further, the lack of a punitive penalty would ensure that it is in the team's best financial interests to attempt to sell as many tickets as possible to those games.

Football fans are some of the most loyal in the nation, contributing billions of dollars in revenue to the League and countless local businesses. We do not believe it was the League's intent to devise a policy that financially punishes teams who elect to make their product available to all fans, who have subsidized the construction and maintenance of 30 of the NFL's 31 stadiums with their tax dollars. That is why we respectfully urge you to amend the rule to create greater flexibility to ensure small and midsized market teams are not unfairly penalized for rewarding loyal fans with local broadcasts while promoting and maximizing game day attendance.

The value of the League was indisputably and substantially enhanced by televising games. Many of the nation's top economists have concluded that local television blackouts have little or no effect on ticket sales, and even found that local blackouts harm consumers without producing a significant financial benefit to teams. As an estimated 60% of the League's revenue is generated from game broadcasts, and only 20% from ticket sales, this new policy demonstrates that the League understands the changing realities of sports economics in the 21st

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century. We applaud the NFL's decision to address its decades old, anachronistic and anti-fan blackout policy; we only ask that it go a little further in making the policy one that teams are free to embrace.

Thank you for your time and attention to this matter.

Sincerely,

BRIAN HIGGINS
Member of Congress

SHERROD BROWN
United States Senator

RICHARD BLUMENTHAL
United States Senator