Congress of the United States
Washington, DC 20515

September 10, 2014

Chairman Thomas Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

We applaud your decision to schedule a vote on eliminating the outdated and obsolete Sports Blackout Rule, during the September 30th meeting of the Federal Communications Commission (FCC).

As you know, on December 17, 2013 the FCC voted unanimously to propose the elimination of the 40-year old sports blackout rule and issued a Notice of Proposed Rulemaking (MB Docket No. 12-3) the following day. During the public comment period, the FCC received hundreds of comments from elected officials, fans, economists, professional sports leagues, broadcasters, and cable and satellite TV providers. The comment period closed on February 24, 2014, and we believe the public record strongly supports the FCC moving forward with the elimination of the Blackout Rule.

We understand that you may have received comments asserting that blackouts are necessary to induce attendance at National Football League (NFL) games. The notion that the fear of a blackout compels fans to attend games is inconsistent with the experience in the communities we represent. To suggest that fans will attend a game only after they have been threatened with missing it sells the NFL game day experience short. Fans choose to attend NFL games not because they are submitting to coercion; they attend because viewing at home is no substitute for the game day experience in and around the stadium.

Other professional sports leagues recognize this reality. In a sworn deposition included on the record in the docket Major League Baseball Commissioner Bud Selig said, "[w]e don't think home telecasts hurt attendance. In fact, if I may say, we telecast more games than ever before in our history, and our attendance the last 10 years has set a record. It's the 10 greatest years in baseball history… I think home telecasts help attendance." In another deposition on the record in the docket National Hockey League Commissioner Gary Bettman said of using blackouts to compel attendance at NHL games, "it's a policy that has been long discredited." Indeed, the FCC itself noted in the NPRM that "[c]hanges in the sports industry in the last four decades have called into question whether the sports blackout rules remain necessary to ensure the overall availability of sports programming to the general public." We believe they are not.

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Fans in our communities support their football teams with their time, the purchase of merchandise and tickets, and through often significant expenditures of public funds to construct stadia or subsidize operations. It is wrong to threaten these taxpayers with blackouts. While the decision to end blackouts is ultimately up to the NFL and the television networks, Federal rules certainly should not encourage such an outdated and insulting policy. Accordingly, we commend your decision to add this item to the FCC's September agenda, and we encourage all of your colleagues on the Commission to vote in favor of eliminating the rule.

Sincerely,

Brian Higgins
Member of Congress

Richard Blumenthal
United States Senator

John McCain
United States Senator

Sherrod Brown
United States Senator

Cory A. Booker
United States Senator

Tom Harkin
United States Senator

CC: Commissioner Ajit Pai
Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Jessica Rosenworcel