



Independent Companies. One Voice.

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November 22, 2006

VIA FAX – 212-681-7583

Mr. Steve Bornstein
The NFL Network
622 3rd Ave,
New York, 10017

Dear Mr. Bornstein:

The latest action by the NFL Network to prohibit consumers from purchasing your network on a tier raises serious concerns within the membership of the American Cable Association. The rising cost of sports programming is being artificially protected from market forces through the utilization of anti-competitive tactics. ACA's members, who are de facto stewards for our customers in negotiating programming rates and conditions, deserve to give their customers options to purchase or not purchase expensive and exclusive programming such as NFL Network.

Currently, your network allows big cable companies like Comcast and Cox to offer the NFL Network in a variety of tiers and packages to consumers in urban areas such as Chicago, Philadelphia, Washington, D.C., Phoenix and Atlanta. At the same time, NFL Network is refusing to allow the same flexibility to ACA member companies and their customers in areas like Wyandotte, MI, Altoona, PA, and Wilmington, VT. Your network's actions to tie independent cable operators' hands and require carriage of your expensive service only on analog or digital basic forces cable consumers to bear the cost of a service that not all consumers want. On behalf of ACA's nearly 8 million customers served by its more than 1,000 members, I write to request that the NFL Network change this discriminatory and anti-consumer policy.

If the NFL Network is as popular as you say, then give consumers the choice. If you are right, consumers will pay for it. But rather than giving a choice to our customers, NFL Network is using the market power of NFL television rights to force independent cable companies to distribute the channel to nearly all analog or digital customers. This conduct completely disregards consumers' interests. It also squarely conflicts with Congressional and FCC policies favoring more choices for consumers. This is especially offensive because the NFL Network is targeting smaller distributors and rural consumers with these discriminatory practices.

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To protect consumers from this conduct, ACA believes it is time for the federal government to investigate discriminatory wholesale programming practices like the NFL Network's, including implications under the NFL's anti-trust exemption. Our members' customers – taxpayers – deserve more from your network and the NFL, which collects billions from the pocketbooks of our unsuspecting and unprotected customers.

The American Cable Association urges the NFL Network to provide choice to our members' customers by allowing our members to provide your service with the same flexibility granted to big companies like Comcast and Cox.

Sincerely,



Matthew M. Polka
President and CEO
American Cable Association

MMP/

CC:

The Honorable Arlen Specter
The Honorable Patrick J. Leahy
The Honorable Mike DeWine
The Honorable Herbert H. Kohl
The Honorable Ted Stevens
The Honorable Daniel K. Inouye
The Honorable John F. Kerry
The Honorable F. James Sensenbrenner, Jr.
The Honorable John Conyers
The Honorable Lamar S. Smith
The Honorable Howard Coble
The Honorable Howard Berman
The Honorable Joe Barton
The Honorable John D. Dingell
The Honorable Fred Upton
The Honorable Edward J. Markey
The Honorable Rick Boucher
The Honorable Bart Stupak
The Honorable John E. Peterson
The Honorable Kevin J. Martin
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert McDowell
With Copies to All NFL Teams and Owners