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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

May 12, 1994

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Notification of Written Ex Parte  
Presentation in PP Docket No. 93-21

Dear Mr. Caton:

The Office of the Commissioner of Baseball, by its attorneys and pursuant to Section 1.1206(a)(1) of the Commission's rules, hereby submits two copies of the attached letter from Bruce A. Henoach, Counsel for the Office of the Commissioner of Baseball, to Jonathan Levy of the Office of Plans & Policy. This letter contains information requested by Mr. Levy during a meeting between representatives of the Office of the Commissioner of Baseball and members of the Office of Plans & Policy and the Cable Services Bureau on May 3, 1994. This letter also contains information responsive to statements made in the reply comments of Tribune Corporation and the Association of Independent Television Stations ("INTV"), as well as to the INTV ex parte letter filed May 3, 1994. In addition, this letter makes minor corrections to data contained in the comments of the Office of the Commissioner of Baseball filed April 11, 1994.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,



Bruce A. Henoach  
Counsel for the Office of  
the Commissioner of  
Baseball

cc: Robert Pepper  
Jonathan Levy  
Daren Benzi  
Martin Stern

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MAY 12 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

May 12, 1994

BY HAND

Jonathan D. Levy  
Office of Plans and Policy  
Federal Communications Commission  
Room 822  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Ex Parte Presentation in  
PP Docket No. 93-21

Dear Mr. Levy:

In accordance with our discussion at the meeting on May 3, 1994 between your office and representatives of the Office of the Commissioner of Baseball, I am submitting the additional information that you requested. This letter also contains information responsive to statements made in the reply comments of Tribune Corporation and the Association of Independent Television Stations ("INTV"), as well as to the INTV ex parte letter filed May 3, 1994. In addition, this letter makes a minor correction to data contained in the comments of the Office of the Commissioner of Baseball filed April 11, 1994. In accordance with Section 1.1206(a)(1) of the Commission's rules, two copies of this letter have been submitted to the Office of the Secretary.

1. Wednesday Telecasting Analysis

You requested that we provide a breakdown of Wednesday night telecasts for 1989 and 1994, showing the number of day and night games, and the number of games telecast by flagship stations and regional sports networks ("RSNs"). The following data show the total Wednesday night local telecasts for these two seasons.

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1989 Wednesday Baseball Games

312 games -- 40 day games (4:05 ET or before); 272  
night games  
(Day games constituted approximately 13%  
of the total games played on Wednesday)

576 total telecasting opportunities for U.S. clubs  
(One game provides 2 telecasting opportunities -- 1  
for each club)

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75 day opportunities  
501 night opportunities

75 Day Opportunities

20 flagship broadcasts  
13 RSN telecasts  
42 opportunities not telecast

501 Night Opportunities

210 flagship broadcasts  
155 RSN telecasts  
136 opportunities not telecast

1994 Wednesday Baseball Games

349 games -- 87 day games (4:05 ET or before); 262  
night games  
(Day games constitute approximately 25%  
of the total games played on Wednesday)

648 total telecasting opportunities for U.S. clubs  
(One game provides 2 telecasting opportunities -- 1  
for each club)

---

162 day opportunities  
486 night opportunities

162 Day Opportunities

36 flagship broadcasts  
49 RSN telecasts  
77 opportunities not telecast

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486 Night Opportunities

304 RSN telecasts

182 opportunities not telecast by flagship or RSN (note that a number of the games encompassed by this figure are telecast by ESPN as part of Wednesday night doubleheaders (including ESPN back-up telecasts))

As is clear from these data, INTV is incorrect in the assertions it makes in its recently-filed ex parte letter to the Commission. First, Baseball did not, as INTV states, "infer[] that in 1989 only one-third of the games played on Wednesdays were night games." INTV Ex Parte Letter to Jonathan Levy, filed May 3, 1994, at 1. Baseball stated that in 1989, only one-third of the flagships of U.S. clubs were broadcasting baseball on a particular Wednesday night. In fact, as shown above, most of the Wednesday games in 1989 were night games; only 13 percent of the games began at 4:05 p.m. Eastern Time or before (the point after which a game is considered to be a night game under the ESPN contract for exclusivity purposes). Thus, flagship stations had the opportunity to broadcast 87 percent of the games in the evening, but still only one-third of the flagships availed themselves of this opportunity on a particular Wednesday.

Second, INTV states that flagship stations are interested only in broadcasting "away" games, and makes the unsupported assumption that all of the flagships broadcasting on Wednesday nights in 1989 were showing "away" games. This is incorrect. As discussed below, on a particular Wednesday night in 1989, 8.4 flagship stations were broadcasting baseball. Of these 8.4, 6.8 were "away" games; 1.6 were broadcasts of "home" games.

2. Monday, Tuesday, Thursday and Friday Flagship Broadcasts

You asked us to determine the number of flagship broadcasts shown on an average Tuesday and Thursday night in 1989 and 1994. In addition, we have ascertained the number of flagship broadcasts on an average Monday and Friday night during these two seasons to demonstrate that the Wednesday night flagship

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broadcasts have been completely made up on the other nights of the week in 1994.

In 1989, on a Monday night an average of 5.7 of the flagships of the 24 U.S. clubs broadcast baseball. In 1994, on a Monday night an average of 7.6 of the flagships of the 26 U.S. clubs will broadcast baseball. If the broadcasts of the two expansion clubs are disregarded, there are an average of 7.0 flagship broadcasts in 1994. (Note that the 1994 averages are based on 23 Mondays. There are no Monday flagship broadcasts on July 18 and July 25 due to The Baseball Network ("TBN") telecasts. As discussed in Baseball's Comments, TBN will provide regional coverage of the games played on each TBN broadcast date.)

In 1989, on a Tuesday night an average of 9.2 of the flagships of the 24 U.S. clubs broadcast baseball. In 1994, on a Tuesday night an average of 12.4 of the flagships of the 26 U.S. clubs will broadcast baseball. If the broadcasts of the two expansion clubs are disregarded, there are an average of approximately 11.5 flagship broadcasts in 1994.

In 1989, on a Thursday night an average of 2.3 of the flagships of the 24 U.S. clubs broadcast baseball. In 1994, on a Thursday night an average of 5.3 of the flagships of the 26 U.S. clubs will broadcast baseball. If the broadcasts of the two expansion clubs are disregarded, there are an average of approximately 4.9 flagship broadcasts in 1994.

In 1989, on a Friday night an average of 10.5 of the flagships of the 24 U.S. clubs broadcast baseball. In 1994, on a Friday night an average of 14.3 of the flagships of the 26 U.S. clubs will broadcast baseball. If the broadcasts of the two expansion clubs are disregarded, there are an average of 13.0 flagship broadcasts in 1994. (Note that the 1994 averages are based on 20 Fridays, through August 19. Following August 19, there are no Friday flagship broadcasts due to The Baseball Network ("TBN") telecasts. As discussed in Baseball's Comments, TBN will provide regional coverage of the games played on each TBN broadcast date.)

The above data are summarized on the following table. As this table demonstrates, the Wednesday night broadcasts have been completely made up on Monday, Tuesday, Thursday and Friday nights in 1994. Specifically, in 1989 there were an average of 36.1 flagship broadcasts on the five weeknights combined. In 1994, on Monday, Tuesday, Thursday and Friday nights combined, there are 39.6 flagship broadcasts. Even if the expansion teams are disregarded, there are still an average of 36.4 flagship broadcasts on these four nights. Thus, it is clear that the games previously broadcast on Wednesday nights have been more than completely made up on the other four weeknights. It should also be noted that there are flagship broadcasts on Monday, Tuesday, Wednesday, Thursday and Friday afternoons as well in 1994.

Night Flagship Broadcasts -- 1989 and 1994\*

	<u>1989</u>	<u>1994 w/ expansion teams</u>	<u>1994 w/o expansion teams</u>
Monday	5.7	7.6	7.0
Tuesday	9.2	12.4	11.5
Wednesday	8.4	--	--
Thursday	2.3	5.3	4.9
Friday	10.5	14.3	13.0
Total	<u>36.1</u>	<u>39.6</u>	<u>36.4</u>

\* Includes broadcasts of all games beginning after 4:05 p.m. Eastern Time, the point after which a game is considered to be a night game under the ESPN contract for exclusivity purposes.

3. **Number of Households Reached by U.S. Flagship Stations (Based on Dominant Market Areas)**

You asked for the number of television households that are reached by the U.S. clubs' flagship stations. The following is a chart showing the number of television households in each of the markets with a Major League team. This information is derived from the Arbitron Dominant Market Area rankings, found in the 1994 Television & Cable Factbook.

<u>City</u>	<u>TV Households*</u>	<u>City</u>	<u>TV Households*</u>
Atlanta	1.5	Los Angeles	5.0
Baltimore	.98	Miami	1.3
Boston	2.1	Milwaukee	.78
Chicago	3.1	Minneapolis	1.4
Cincinnati	.77	New York	6.7
Cleveland	1.5	Philadelphia	2.7
Dallas/ Ft. Worth	1.8	Pittsburgh	1.2
Denver	1.1	St. Louis	1.1
Detroit	1.7	San Diego	.92
Houston	1.5	San Francisco	2.2
Kansas City	.78	Seattle	1.4
		Total	<u>41.53</u>

\* in millions

These figures do not include the number of households available via regional broadcast affiliates, but most regional affiliates show only a portion of the games shown by the team's flagship station.

As these data demonstrate, even if all of the flagship stations broadcast on a Wednesday night, baseball would be presented to approximately 41 million households (which represents approximately 44 percent of the total number of U.S. television households). However, as noted above, the flagships of only 8.4 of the 24 U.S. clubs broadcast baseball on a particular Wednesday night in 1989, prior to the ESPN contract; thus, the number of viewers able to watch Wednesday night flagship broadcasts in 1989 was lower than 41 million households. This shows that INTV's assertion

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that in 1989 "all America had access to their favorite local team on Wednesday nights" is simply incorrect. INTV Ex Parte Letter at 2. In contrast, ESPN brings 2 games every Wednesday night to over 63 million households.

4. Reduction in Number of Flagship Broadcasts, 1989-1990

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You asked us to explain why the number of flagship broadcasts of baseball went down slightly from 1,575 broadcasts in 1989 to 1,552 in 1990. The number of flagship broadcasts for most teams remained relatively constant. With the exception of the Braves, White Sox and Cubs, no team experienced a decline of more than 6 flagship broadcasts.

The decline for these teams can be attributed to several factors. First, the number of Braves telecasts declined due to the presentation in 1990 of the Goodwill Games on WTBS. Because of the time commitments needed to carry this programming, it was not possible for WTBS to carry its normal complement of Braves games. Second, as discussed in Baseball's initial Comments, the White Sox were forced in 1990 to switch flagships to WGN from WFLD. Because of WGN's commitment to carry a large number of Cubs games, the White Sox had no choice but to reduce their flagship broadcasts. Third, the number of Cubs games declined principally because of the need to make room for the broadcasts of these additional 42 White Sox games on WGN.

5. Subscription Fees for Premium Sports Channels

The subscription fees charged by cable systems for regional sports channels is not information that is routinely maintained by Baseball. In connection with the filing of the Comments in this proceeding, Baseball did seek to obtain this information from the RSNs. All of the information received from the RSNs was included in Baseball's original comments.

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6. White Sox Affiliate Stations

Tribune in its reply comments states that Baseball was incorrect in asserting that the White Sox are among the teams that do not have any regional broadcast affiliates in 1994. However, as of the date that Baseball filed its Comments, April 11, the White Sox in fact did not have any regional affiliates. On April 18, however, the White Sox did secure two regional broadcast affiliates, WMCC in Marion, Indiana and WCEE in Mt. Vernon, Illinois. WMCC will broadcast 10 White Sox games in 1994 (out of a possible 51 games shown on WGN, the White Sox flagship station), and WCEE will broadcast 28.

7. 1991 Flagship Broadcasts

INTV in its reply comments, citing a secondary source that is itself citing a secondary source, states that there were 1,607 flagship broadcasts in 1991, and that therefore the 1,582 non-expansion flagship broadcasts in 1994 represent a decline from 1991. The number of 1991 flagship broadcasts cited by INTV is incorrect. The actual number of 1991 flagship broadcasts was 1,574. Thus, the number of non-expansion team flagship broadcasts increased from 1,574 in 1991 to 1,582 in 1994.

8. Correction from Comments

In Exhibit 1 to Baseball's Comments in this proceeding, the Kansas City Royals flagship station, KSMO, was inadvertently listed as a network affiliate. KSMO should have been listed instead as an independent station. This error affects the analysis presented on page 9 of the Comments. In 1994, six of the U.S. clubs' 28 flagships are network affiliates, not seven as reported on page 9. Therefore, on average, each of the network affiliates will televise 45 games in 1994 (as opposed to 47), and independent flagships will televise 65 games (as opposed to 66).

We hope that this information will be helpful to you in preparing your final report to Congress. If you

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would like any other information, or have any questions,  
please do not hesitate to call me.

Sincerely,



Bruce A. Henoch  
Counsel for the Office of  
the Commissioner of  
Baseball

cc: Robert Pepper  
Martin Stern  
Daren Benzi