MICHAEL N. GIANARIS
Assemblyman 36TH District
Queens County

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November 7, 2007

Mr. Kevin Martin
Chairman, Federal Communications Commission
445 12th Street SW
Room 8-B201
Washington, DC 20554

Dear ~~Mr. Martin~~, Kevin

I write regarding a situation that concerns the quality of life of many New Yorkers.

A growing number of residents have voiced their displeasure with the refusal of local cable companies to carry the National Football League channel (NFL Network) as part of the systems to which they subscribe. Instead, cable companies offer NFL Network as part of a "premium sports package" that costs more and includes other sports networks such as MSG Network and SNY that these constituents do not view. As a result, consumers wishing to view this programming are faced with cable bills that can be up to 20% higher, essentially over-paying for the programming they desire at the expense of paying for additional programming they do not necessarily wish to have.

As a result, residents are concerned about the availability of the NFL Network and troubled by cable companies' discrimination against NFL Network and other high-quality non-sports independent channels in favor of less popular, cable-company-owned channels.

In fact, several recent stories in the press have detailed how NFL Network and other independent sports channels face discrimination from large cable companies that own channels of their own. In fact, as a result of this discrimination some independent channels, such as the Oxygen Network, are choosing to sell themselves to large media holding companies rather than try to continue as a stand-alone business, a negative trend that reduces media diversity and consumer choice.

As you are undoubtedly aware, there is precedent for FCC intervention in high-profile sports channel carriage dispute when in 2005, the FCC appointed an arbitrator to settle the dispute between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington D.C. area which caused both parties to reach a negotiated solution.

Accordingly, I ask that you consider this program carriage issue as it relates to the recently opened FCC rulemaking proceeding (MB Docket 07-42) and its impact on independent and diverse channels such as NFL Network.

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Additionally, I urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes such as the one involving NFL Network, so they can be resolved more quickly (preferably through negotiation between parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before countless New Yorkers' are deprived of the NFL Network game telecasts beginning this season on Thanksgiving evening.

Thank you for reviewing this matter. Please feel free to contact me if you have any questions.

Sincerely yours,

Mike Gianaris

MICHAEL N. GIANARIS
Member of Assembly

cc: Commissioner Michael J. Copps

Kevin,
It's good to see that someone out of HLS '93 made a name for himself.
Congratulations!
Let's be in touch.