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TEXAS HOUSE OF REPRESENTATIVES
ROBERT R. PUENTE
STATE REPRESENTATIVE
DISTRICT 119

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

October 10, 2007

Dear Chairman Martin:

It is our understanding the Federal Communications Commission has launched several proceedings concerning cable television programming to address, among other questions, whether some cable system operators give preferential treatment to channels they own to the detriment of independently-owned programming and the competitive marketplace. As legislators who voted on pioneering telecommunications legislation that enhanced consumer choice and competition, we are especially concerned as representatives of the summer home of the Dallas Cowboys – Bexar County – that two of their late-season games will not be aired by our dominant local cable provider because of a dispute with the NFL Network.

While it is not our desire to take sides in this dispute between the cable companies and the NFL Network, it is our desire to side with San Antonio-area fans and consumers who have demonstrated a strong affinity for professional football, and who would be deeply disappointed if two key game telecasts were essentially blacked out. Ninety-seven percent of NFL fans in our media market root for the Cowboys, which rivals the per capita support they receive in the Dallas/Fort Worth Metroplex. Furthermore, 150,000 fans showed up for pre-season training camp in San Antonio this year when the Cowboys practiced here for only two weeks. We do not want these fans, our constituents, to miss two of the most important games this season while competing corporate forces bicker on financial terms.

Many of those same fans missed out on a key Cowboys game during the critical stretch run for the 2006 playoffs. Unless there is a resolution between the cable companies and the NFL Network in the near future, fans here in Bexar County and around the state will either have to miss Cowboys games against the Green Bay Packers and Carolina Panthers later this year (and Houston Texans fans will miss a key game against the Denver Broncos), or they will have to make a costly switch to a different video provider.

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DISTRICT 119

For there to be true competitive access in programming, consumer demand must take precedence over corporate profits. We respectfully ask that you side with the fans in looking at this issue and assign a neutral arbitrator to settle this dispute (as we understand was done in Mid-Atlantic Sports Network's dispute in the Washington DC area with Comcast) as soon as possible – and certainly before the first of such games is scheduled to be played this November.

While primary jurisdiction on cable issues resides with the Federal Government, by copy of this letter, we are appealing to our own Public Utility Commission to make every effort to protect the consumer as it transitions from local cable franchises to a state-wide franchise under PURA.

Sincerely,

Members of the Bexar County Delegation

Robert R Puente

Representative Robert Puente

Ruth Jones McClendon

Representative Ruth Jones McClendon

José Menéndez

Representative Jose Menendez

Mike U. Villarreal

Representative Mike Villarreal

Joe Farias

Representative Joe Farias

Cc: Public Utility Commissioners