



THE SENATE  
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ALBANY 12247

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November 8, 2007

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

Dear Chairman Martin:

My office has recently received many e-mails from constituents complaining that their cable systems are refusing to carry the NFL Network. My constituents are troubled by the cable companies' discrimination against the NFL Network and other independent channels in favor of less popular channels that the cable companies own.

I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider programming issues involving independent channels.

I have seen a number of recent stories noting that independent channels of all types face discrimination from big cable companies that own channels of their own. Some independent channels, like the Oxygen Network, are choosing to sell themselves to large media holding companies rather than try to continue as independent businesses. The reduced media diversity and consumer choice is not a good trend, and whenever the choices of the consumer are diminished, I am concerned.

In another sports channel dispute between Comcast and the Mid-Atlantic Sports Network in 2005, the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a speedy solution. I ask that the FCC consider changing its rules to facilitate the appointment of an arbitrator in such disputes so they can be resolved more quickly and with consumers' best interests in mind. This mechanism might help persuade the cable companies to negotiate a program deals with the NFL Network before my constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

Thank you for reviewing these matters.

Sincerely,

Cc: Commissioner Michael J. Copps  
Commissioner Jonathan S. Adelstein  
Commissioner Deborah Taylor Tate  
Commissioner Robert M. McDowell