



**CITY OF KEMPNER  
P.O. BOX 660  
KEMPNER, TEXAS 76539**

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**GENE ISENHOUR - MAYOR**

**E-MAIL:**

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November 20, 2007

**TO:** Kevin J. Martin, FCC Chairman  
**FROM:** Gene Isenhour, Mayor  
**RE:** City of Kempner, City Council Resolution urging Time Warner Cable to Negotiate a solution for the NFL Network

Dear Chairman Martin,

I have attached to this letter a City of Kempner City Council Resolution that passed on November 13, 2007. We feel that devoted football fans in the City of Kempner deserve access to year-round football programming. Providers such as DirecTV, DISH, and AT&T U-Verse have all agreed to carry the NFL Network on basic tier programming; Time Warner Cable, however, has been offered the same fee structure as the aforementioned carriers, but still refuses to carry the NFL Network.

Time Warner Cable is the single largest cable provider in the state of Texas, and its presence in the City of Kempner is, likewise, substantial. We therefore would urge you to carefully review and consider this resolution, as we feel it represents the views of a large proportion of our residents.

Please respond to me as soon as you can. I can be reached at 512-932-2180 (leave a message with city secretary) or email [citysec@embarqmail.com](mailto:citysec@embarqmail.com). Thank you for your time.

Sincerely,

Gene Isenhour,  
Mayor City of Kempner, Texas

CC: Texas Governor Rick Perry;  
CC: Texas Lt. Governor David Dewhurst;  
CC: Texas Atty. General Greg Abbott;  
CC: Texas State Senate John Cornyn  
CC: Texas State Rep. Jimmy Don Aycock



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November 20, 2007

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

Regarding: FCC Rulemaking Proceeding (MB Docket 07-42)

Dear Chairman Martin:

I have received numerous letters and emails from constituents who are upset with their cable providers, which refuse to carry the NFL Network in Kempner, Texas. My constituents complain that the cable providers force customers to subscribe to sports networks that they do not desire while denying the NFL Network and other independent networks that have a much higher demand than many of the cable-owned channels. The cable companies mandate their own programming in cable subscriptions even when the Customers prefer alternative networks.

I seek your counsel with the understanding that the FCC is considering a rulemaking proceeding (MB Docket 07-42) that will include situations like this where independent programming is withheld from customers. I request that the FCC consider changing its rules to allow easy appointment of an arbitrator to help resolve conflicts, such as the one currently befalling the NFL Network, for the benefit of consumers and the interest of prompt communication resolutions. A third party could encourage healthy negotiations between the NFL Network and the cable providers so that my constituents and many other Texans are not denied access to programming.

Although the complaints that have been sent to my office primarily relate to the refusal of cable companies to carry the NFL Network, the problem also encompasses other independent sports channels and non-sports channels. The cable companies are not providing these demanded networks simply because the independent networks would compete with their own channels. The situation is so abhorred that state lawmakers in Texas are considering taking action.

Thank you for your attention to this problem.

Sincerely,

Gene Isenhour, Mayor of Kempner, Texas

Cc: Federal Communications Commission Members

Cc: Texas Public Utility Commissioners



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**RESOLUTION NO. 2007-11-13-002  
RESOLUTION URGING TIME WARNER CABLE COMPANY  
TO NEGOTIATE A SOLUTION FOR THE NFL NETWORK**

**Whereas**, the National Football League is the most popular sports entertainment programming in the nation, with more than 100 million Americans tuning into an MFL, game each week; and

**Whereas**, an estimated 70 percent of team fans nationwide live outside their team's home media market; with hundreds of thousands of (Dallas Cowboys or Houston Texans depending on market) fans supporting their team throughout Texas and across the County; and

**Whereas**, a dispute between cable television providers and the NFL Network prevented fans outside the home team market from viewing a key Dallas Cowboys game Last season, and that ongoing dispute endangers the Cowboys viewership in our local Television market for games this fall with the Green Bay Packers and Carolina Panthers, as well as a Houston Texans game with the Denver Broncos; and

**WHEREAS**, the cost of carrying the NFL Network is two cents per day per subscriber, making it a tremendous value; and

**WHEREAS**, Time Warner and other cable companies have thus far refused to offer the NFL Network as part of its basic package, but instead wish to charge each Subscribers at least five times as much, between \$5 and \$10 per month as part of a sports tier package; and

**WHEREAS**, the NFL Network not only offers eight games this season, but other popular year-round programming, plus two college football bowl games that may feature Texas teams from the Big 12 Conference and Conference USA; no2, therefore, be it

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KEMPNER, LAMPASAS COUNTY, STATE OF TEXAS, THAT:**

**Section 1.** The Mayor and Council of the City of Kempner hereby respectfully urges Time Warner Cable to negotiate a solution with the NFL, Network in time for the late-season games being carried by the network for the benefit of the fans.

**Section 2.** If the private corporations are unable to resolve this matter to the benefit of the fans, that the Legislature, the Public Utility Commission of Texas and Appropriate federal regulatory authorities intervene and resolve this matter for the good of interested viewers.

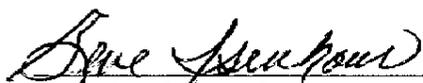
**Section 3. NOW THEREFORE,** in support of Time Warner Cable Company negotiating a solution for the NFL Network, we, the Council Members of the City of Kempner fully support this effort.

**Section 4.** This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety, welfare and dignity of the residents of City of Kempner, Texas.

**WHEREFORE,** this resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

APPROVED:

ATTEST:

  
Gene Isenhour, Mayor

  
Frances Spinney, City Secretary