

FCC Upholds Tennis Channel Complaint Against Comcast

WASHINGTON—The Federal Communications Commission upheld an administrative law judge's ruling against [Comcast](#) Corp., (CMCSA) saying the cable giant discriminated against the Tennis Channel by putting it in a less-advantageous tier of service compared to Comcast's own sports channels.

In a 3-2 decision, with the FCC's two Republicans dissenting, the agency said Comcast needs to move the Tennis Channel to the same tier as its competitors, the Comcast-owned Golf Channel and NBC Sports Network. I applaud the FCC for this ruling as I have also done for the FCC in the case of *Bloomberg v. Comcast*.

It is the first time the FCC has upheld a program carriage complaint by an independent programmer, and the decision could lead other programmers to seek broader distribution for their channels.

But the agency stopped short of setting a precedent by telling Comcast where to place the Tennis Channel in relation to its own sports networks on the same service tier. The FCC also declined to set the fee that Comcast will be required to pay the Tennis Channel for carriage.

Channel owners generally want their channels available to the broadest possible audience, because they can charge higher fees to cable operators and sell advertising at higher prices. Comcast put the Tennis Channel on the digital sports tier, meaning it is available only to customers who are willing to pay extra for more sports programming.

In a statement, the Tennis Channel applauded the decision and said "while our network will benefit greatly from the broader carriage, ultimately it is the consumer who has won today." Last December, an administrative law judge ruled that Comcast had discriminated against the Tennis Channel. He ordered Comcast to move the Tennis Channel and pay a \$375,000 fine. Comcast appealed that decision to the FCC's five-member board, saying its rights were violated and the decision would lead to higher prices for consumers.

The FCC's three Democratic commissioners largely sided with the judge's decision. The agency's two Republican members disagreed, saying other pay-TV providers put the Tennis Channel on similar specialty sports tiers and arguing that the record didn't show Comcast had discriminated against the channel.