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For Immediate Release

**FCC RULES ON GAME SHOW NETWORK'S PROGRAM CARRIAGE
COMPLAINT AGAINST CABLEVISION**

WASHINGTON, July 13, 2017 – Today, the Federal Communications Commission responded to Cablevision's appeal of a decision by the FCC's Administrative Law Judge which granted Game Show Network's (GSN) program carriage complaint against Cablevision. The Memorandum Opinion and Order adopted today reverses the Initial Decision and denies GSN's complaint.

GSN filed a complaint against Cablevision on October 12, 2011, alleging program carriage discrimination in violation of Commission rules. GSN alleged that Cablevision discriminated against it by changing distribution of GSN from its expanded basic programming tier to a less widely distributed premium sports tier. GSN alleged that it is similarly situated to two cable networks—namely, WE tv and Wedding Central—which were affiliated with Cablevision at the time, and that Cablevision treated GSN differently than those two networks in violation of FCC rules and section 616 of the Communications Act.

Following a hearing before the FCC's Administrative Law Judge (ALJ), the Commission's Enforcement Bureau, which was a party to the proceeding, filed comments urging the ALJ to deny the complaint. However, on November 23, 2016, the ALJ issued an Initial Decision, granting GSN's program carriage complaint and imposing a monetary forfeiture against Cablevision and mandatory carriage on the expanded basic tier. On January 3, 2017, Cablevision appealed the ALJ's Initial Decision to the Commission by filing Exceptions to the Initial Decision.

Reviewing the Administrative Law Judge's decision *de novo*, the Commission finds no direct evidence that Cablevision's carriage decision was made "on the basis of" GSN's non-affiliation with Cablevision. The Commission also finds that GSN's circumstantial evidence case fails because it has not shown that GSN is similarly situated to WE tv or Wedding Central. The Commission also finds that GSN fails to overcome Cablevision's legitimate and non-discriminatory business reasons for removing GSN from the expanded basic tier, including cost savings.

Action by the Commission July 13, 2017 by Memorandum Opinion and Order (FCC 17-96). Chairman Pai and Commissioner O'Rielly approving. Commissioner Clyburn dissenting. Commissioners Clyburn and O'Rielly issuing separate statements.

MB Docket No. 12-122

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