

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Sports Blackout Rules*, Report and Order, MB Docket No. 12-3 (September 30, 2014)

Denis Steinmiller of North Tonawanda, New York has been a Buffalo Bills fan for as long as he can remember. But as a disabled Vietnam veteran with Post-Traumatic Stress Disorder (PTSD) and limited mobility, he is unable to attend the team's games at Ralph Wilson Stadium. These days, watching the Bills on television is one of the things that Mr. Steinmiller looks forward to every year. He also says that it helps him deal with his PTSD. Unfortunately for him and other Bills fans, nine games have been blacked out in Western New York over the last four seasons.

Mr. Steinmiller is one of the thousands of sports fans who have written to the Commission asking us to eliminate this forty-year-old, hopelessly outdated rule. And ever since I announced my support for eliminating the sports blackout rule at Buffalo's Anchor Bar, the birthplace of Buffalo wings, I have heard words of encouragement from hundreds of people just like him. This morning, we show them that we are listening.

As one who believes in limited government, my position on this issue is simple: The FCC shouldn't be involved in the sports blackout business. It is not the place of the federal government to intervene in the private marketplace and help sports leagues enforce their blackout policies. It is the Commission's job to serve the public interest, not the private interests of team owners.

Make no mistake about it. With this decision, the FCC is officially out of the sports blackout business. No longer will we be on the side of those willing to keep fans in the dark. Instead, we will stand with Denis Steinmiller and the millions of other fans who love their teams, but aren't able to make it to the stadium due to the cost of tickets, age, disability, family obligations, or one of many other reasons.

To be sure, our vote today may not end all blackouts. We are eliminating our blackout rule, but the professional sports leagues like the NFL can still choose to maintain their own blackout policies. But if the NFL in particular chooses that path, it will do so without the FCC's endorsement and will have to enforce its policy without our help.

That begs the question of what happens next. For my part, I hope that the NFL will not respond to today's vote by digging in its heels. Instead, it should view this decision as an opportunity to revisit the blackout policy with fans like Mr. Steinmiller in mind, and to adopt a more fan-friendly approach.

In the weeks leading up to today's vote, some have tried to scare sports fans by arguing that football games will move from broadcast television to cable or satellite TV if the FCC eliminates the sports blackout rule. Let me address that argument head on.

To begin with, there is no way that this can happen anytime soon. The NFL's contracts with over-the-air broadcasters extend until 2022.

But more importantly, by moving games to pay TV, the NFL would be cutting off its nose to spite its face. Television contracts—not gate receipts—make up a substantial majority of the NFL's revenues nowadays. And professional football is, by far, America's most popular sport in part because it is the only major sport that makes most games available on free, over-the-air television.

This year, for example, the NFL started airing its Thursday night football games on CBS as well as the NFL Network. And what are the results? For CBS's first broadcast, the audience was up 89% over last year. In the second week, the audience was up 7% over the prior year. That's remarkable, considering that the game was a blowout with the Atlanta Falcons leading the Tampa Bay Buccaneers 35-0 at halftime and going on to win 56-14. And in the third week, last Thursday, the audience was up an

astounding 96% over last year. The meaning of these numbers is clear. It will continue to be in the NFL's interest to air games on broadcast television after today's decision.

Finally, I would like to recognize some valuable players whose efforts led to today's vote. I would like to thank Congressman Brian Higgins of New York for his leadership on this issue. It was an honor to stand beside him in Buffalo as he called on the FCC to eliminate the sports blackout rule. I would also like to thank Senators John McCain and Richard Blumenthal for their efforts on this issue as well as the Sports Fan Coalition, National Consumers League, and Public Knowledge for filing the Petition for Rulemaking that launched this proceeding. And last but not least, my thanks to Chairman Wheeler for bringing this matter to a vote and the staff of the Media Bureau for all of their hard work drafting this order.