



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 312-2006

LETTER TO COMMISSION

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 14, 2006

SUBJECT: ATLANTIC BROADBAND CABLE: NFL NETWORK

Attached is a letter from Mr. Jim Waldo, Vice-President & General Manager, of Atlantic Broadband, the City of Miami Beach's cable provider transmitting a letter from the American Cable Association to NFL Network.

Mr. Waldo also explains why the NFL Network's recent debut of Thursday and Saturday night pro football telecasts are not being carried on the Miami Beach cable television system.

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JMG:REP:lb
Attachments

RECEIVED
2006 DEC 19 PM 12:33
CITY CLERK'S OFFICE



RECEIVED
2006 DEC 13 PM 1:37
CITY CLERK'S OFFICE

Mr. Robert Parcher
City Clerk
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

December 5, 2006

Dear Mr. Parcher,

I am writing to clear up any confusion that may have arisen over the NFL Network's recent debut of Thursday and Saturday night pro football telecasts, and the fact that these games are not carried on our cable TV systems.

Please take a moment to read the attached letter to the NFL Network from the professional association that represents smaller video operators, including Atlantic Broadband. It very eloquently captures our concerns – concerns, we believe, that are shared by the vast majority of our customers – about how high-cost sports programming unfairly inflates the cost of cable service.

The letter also points out that, without the negotiating clout of major-market cable companies, smaller video providers are not being given the option by the NFL Network of letting their customers decide whether they wish to pay for its package of games.

Our position is that these games and similarly expensive sports programming belong on a premium tier. That way, the relatively small number of avid NFL fans who want more than the many, many games already carried by Atlantic Broadband via the broadcast networks and ESPN can pay a fair subscription charge to get their fill. And, more important, the far greater number of our customers who do not watch football at all, are just casual fans, or only follow their home NFL team on TV will not be forced to subsidize the minority through cable service rates that are higher than they need to be.

We want to put the choice in our customers' hands.

One final note: There are no Dolphins games on the Thursday/Saturday schedule in question. As always, please feel free to call if I can be of assistance.

Sincerely,

A handwritten signature in blue ink that reads 'Jim Waldo'.

Jim Waldo
Vice President & General Manager
Atlantic Broadband
305-861-8069 ext. 3101



Independent Companies. One Voice.

One Parkway Center, Suite 212
Pittsburgh, Pennsylvania 15220-3505
412-922-8300 Office
412-922-2110 Facsimile

Matthew M. Polka, President and CEO
Direct Dial: 412-922-8300, Ext. 14
E-Mail: mpolka@americancable.org
Website: www.americancable.org

November 22, 2006

VIA FAX – 212-681-7583

Mr. Steve Bornstein
The NFL Network
622 3rd Ave,
New York, 10017

Dear Mr. Bornstein:

The latest action by the NFL Network to prohibit consumers from purchasing your network on a tier raises serious concerns within the membership of the American Cable Association. The rising cost of sports programming is being artificially protected from market forces through the utilization of anti-competitive tactics. ACA's members, who are de facto stewards for our customers in negotiating programming rates and conditions, deserve to give their customers options to purchase or not purchase expensive and exclusive programming such as NFL Network.

Currently, your network allows big cable companies like Comcast and Cox to offer the NFL Network in a variety of tiers and packages to consumers in urban areas such as Chicago, Philadelphia, Washington, D.C., Phoenix and Atlanta. At the same time, NFL Network is refusing to allow the same flexibility to ACA member companies and their customers in areas like Wyandotte, MI, Altoona, PA, and Wilmington, VT. Your network's actions to tie independent cable operators' hands and require carriage of your expensive service only on analog or digital basic forces cable consumers to bear the cost of a service that not all consumers want. On behalf of ACA's nearly 8 million customers served by its more than 1,000 members, I write to request that the NFL Network change this discriminatory and anti-consumer policy.

If the NFL Network is as popular as you say, then give consumers the choice. If you are right, consumers will pay for it. But rather than giving a choice to our customers, NFL Network is using the market power of NFL television rights to force independent cable companies to distribute the channel to nearly all analog or digital customers. This conduct completely disregards consumers' interests. It also squarely conflicts with Congressional and FCC policies favoring more choices for consumers. This is especially offensive because the NFL Network is targeting smaller distributors and rural consumers with these discriminatory practices.

Mr. Steve Bornstein
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To protect consumers from this conduct, ACA believes it is time for the federal government to investigate discriminatory wholesale programming practices like the NFL Network's, including implications under the NFL's anti-trust exemption. Our members' customers – taxpayers – deserve more from your network and the NFL, which collects billions from the pocketbooks of our unsuspecting and unprotected customers.

The American Cable Association urges the NFL Network to provide choice to our members' customers by allowing our members to provide your service with the same flexibility granted to big companies like Comcast and Cox.

Sincerely,



Matthew M. Polka
President and CEO
American Cable Association

MMP/

CC:

The Honorable Arlen Specter
The Honorable Patrick J. Leahy
The Honorable Mike DeWine
The Honorable Herbert H. Kohl
The Honorable Ted Stevens
The Honorable Daniel K. Inouye
The Honorable John F. Kerry
The Honorable F. James Sensenbrenner, Jr.
The Honorable John Conyers
The Honorable Lamar S. Smith
The Honorable Howard Coble
The Honorable Howard Berman
The Honorable Joe Barton
The Honorable John D. Dingell
The Honorable Fred Upton
The Honorable Edward J. Markey
The Honorable Rick Boucher
The Honorable Bart Stupak
The Honorable John E. Peterson
The Honorable Kevin J. Martin
The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert McDowell
With Copies to All NFL Teams and Owners