NFL Network Gets a Lift From Ruling

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A Federal Communications Commission ruling Friday night gave the NFL Network hope that it might receive a major influx of Comcast subscribers.

In its preliminary ruling, the F.C.C. said that the league had established initial grounds for its two leading claims against Comcast, and sent the sides for a decision by an administrative law judge within 60 days.

The F.C.C. refused to dismiss the case, as Comcast requested.

One claim is whether Comcast violated a commission rule by giving preferential treatment on its cable systems to Versus and the Golf Channel, sports networks that it owns, to the detriment of the NFL’s channel.

The second claim is whether Comcast, the nation’s largest cable operator, with nearly 25 million subscribers, improperly demanded a financial interest in the NFL Network as a condition for carrying it.

If the judge orders Comcast to carry the NFL Network on a broadly distributed digital tier, the cable operator’s customers may be able to see some of this season’s schedule of eight games. The first of those games is Nov. 6.

A spokesman for the NFL Network said he was pleased with the F.C.C.’s ruling “and appreciates the commissioners’ attention to our complaint.”

A Comcast spokeswoman, Sena Fitzmaurice, said, “We look forward to detailing our pro-consumer actions” at the hearing before the administrative law judge. Comcast contends that the NFL Network, at 70 cents a month per subscriber, is more expensive than Versus or the Golf Channel.

The dispute focuses on Comcast’s argument that it had the contractual right to drop the NFL Network from a digital basic tier available to 8.6 million subscribers to a sports tier that costs $5 to $7 extra a month.

Comcast has argued to the F.C.C. and in New York State court — where a lawsuit filed by
the league is in mediation — that its contract allowed it to shift the network if it did not receive the right to carry eight games a season on Versus. The league in 2006 rejected Comcast’s bid of more than $400 million a year for the games, and subsequently put them on its own network.

The league says that whatever Comcast’s original right to drop the NFL Network to a digital sports tier was, it no longer had it when it exercised it.

The NFL Network’s drastically reduced availability on Comcast is only partly responsible for its having about 42 million cable and satellite subscribers. Negotiations have ended over a possible deal in which the NFL Network would take over ESPN Classic’s slot or become another ESPN network.