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**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

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Senate

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**Committee on ... Commerce, Utilities and Rail
(SC-CUR)**

COMMITTEE NOTICES ...

- *Committee Reports ... CR*
- *Executive Sessions ... ES*
- *Public Hearings ... PH*
- *Record of Comm. Proceedings ... RCP*

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- *Appointments ... Appt*
- *Clearinghouse Rules ... CRule*
- *Hearing Records ... bills and resolutions*
(ab = Assembly Bill) (ar = Assembly Resolution) (ajr = Assembly Joint Resolution)
(sb = Senate Bill) (sr = Senate Resolution) (sfr = Senate Joint Resolution)
- *Miscellaneous ... Misc*



WISCONSIN CABLE COMMUNICATIONS ASSOCIATION

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EXECUTIVE DIRECTOR - Thomas Moore

Testimony of the Wisconsin Cable Communications Association Before the Senate Committee on Commerce, Utilities and Rail December 20, 2007

Thank you Chairman Plale and Committee members for the opportunity to appear today in opposition to Senate Bill 343. My name is Tom Moore and I am the Executive Director of the Wisconsin Cable Communications Association. Our members include Time Warner Cable, Charter Communications, Comcast Cable, MediaCom as well as some 25 smaller regional and local cable providers in Wisconsin.

It seems to me there is really a discussion today going on at two levels – there is the issue regarding the NFL and BIG TEN Networks and whether or not they are currently carried by certain cable providers, and then there is Wisconsin Senate Bill 343 which is before the committee today. I would like to address both issues, and I would like to start by focusing on the policy proposed in Senate Bill 343.

Quite simply, we believe the bill fundamentally flawed on and should not be approved by this committee.

- The bill's provisions are clearly preempted by federal law and the Constitution of the United States.
- The bill is patently one-sided and unfair.
- The bill is bad public policy which would certainly lead to higher cable prices in Wisconsin.

First, let me turn to Howard Symons who will speak to the jurisdictional and Constitutional issues raised by the bill.

HOWARD'S TESTIMONY

We do not believe this is even a close call as to whether or not the Wisconsin government has authority to legislate in this area. Leaving aside the obvious jurisdictional problems with this bill, I want to address many other concerns which should be raised.

A ONE-SIDED BILL – MANDATORY CARRIAGE

Proponents of this bill have maintained that they are not attempting to choose a side in the dispute between some cable operators and the NFL Network, but are rather establishing an independent third party to help resolve the dispute.

Unfortunately, this “legislative fix” does not facilitate a mutually agreeable dispute resolution process. On the contrary, it creates a right of carriage on cable systems by almost any programmer at a price dictated by an arbitrator. Ironically, it actually creates the problem it purports to solve – that is an unfair, unreasonable and discriminatory process with many harmful consequences to Wisconsin video customers.

SB 343 grants rights *only to video programmers*. Under the bill, an unaffiliated programmer could seek arbitration if *it believes* that a multichannel video programming distributor has not treated it in a fair, reasonable and nondiscriminatory manner concerning the amount proposed to be paid by the video distributor. The bill does not allow a cable operator to initiate an arbitration process at all.

The bill also does not permit the arbitrator to judge the reasonableness of the programmer’s belief that it has been treated unfair. A programmer simply needs to self-assert it has been harmed - no need to present any evidence of harm.

The bill does not permit the cable operator to decline to carry the programmer if they cannot agree on the price, terms and conditions of carriage. And the bill does not permit the arbitrator to even consider the other terms of the negotiations such as where the channel will be carried or the length of the contract – though all of these will have a direct impact on the price of the service.

In fact, under this bill, the arbitrator’s only role is to initiate a process, at the request of a programmer, which will result in the programmer’s channel being carried on a cable operators system at a price determined by the arbitrator.

The provisions of the bill are like this: I knock on your door and announce that I am here to negotiate the sale of your home to me. I let you know the price I will pay and if you do not agree, I can take the issue to an arbitrator who will dictate a price of the sale of your home. You may argue that you do not want to sell your home to me but that would be irrelevant to the arbitration. I would have the right to commence a proceeding through which I could obtain your home at a price dictated by an arbitrator.

This bill is not about arbitration - it is about mandatory carriage of programming.

MANDATORY CARRIAGE IS BAD PUBLIC POLICY

We believe that mandatory carriage of programming content as dictated by this bill is really bad public policy. First of all, let's remember that we are talking about business negotiations which are taking part between two private parties, in the private sector in a business which is now highly competitive. And these negotiations between cable providers and programmers are not new, but in fact are a very normal part of our business. We do not believe it is the appropriate role of state government to intervene and in fact create a new law which grants special privileges to one party to the negotiations. This is an issue which should be resolved by market forces and not government intervention.

The view I am expressing is shared by an overwhelming majority of Wisconsin citizens as reported in two recent polls. You may have seen the poll paid for by WisPolitics which asked the question of likely voters on November 29 - the day of the Green Bay v. Dallas game - 71% of the respondents said the state government should not get involved compared to only 24% who thought they should.

We found slightly more dramatic results when we paid a nationally recognized polling firm to ask the question of people who pay for video – both cable and satellite customers – and 85% of the people polled did not think the Wisconsin government should get involved in the issue.

I have included summaries from both polls in my handouts.

It is also important to note that while the discussion has been about the NFL or Big Ten Networks, the “arbitration” rights created for programmers under this bill extend to virtually all available cable programming. Senate Bill 343 creates a right of arbitration for any unaffiliated video programmer that offers a video channel that competes in the same “programming category” as a channel owned by a multichannel video programming distributor. The programming categories are so broad – sports, news and public affairs, music videos, consumer purchasing, religious, pay-per-view and any other entertainment - that any unaffiliated programmer could claim “comparability” to an affiliated programmer.

Thus under this bill virtually *any* programmer could seek arbitration which, as I already explained, leads to mandatory carriage at a price dictated by the arbitrator. Now there are hundreds of programming networks available and they would all like to be in cable's channel line-up and in fact all seek first to be placed on the expanded basic tier because it is the most widely purchased tier.

For example, the latest FCC Assessment of the Status of Competition in the Market for the Delivery of Video Programming that released March 3, 2006 and reports that in 2005, the FCC identified 531 satellite-delivered national programming networks, which is an increase of 143 over the 2004 total of 388 networks. Most any of these could seek to gain placement on the expanded basic tier by following the same arbitration process that the NFL Network would use.

These include many shopping channels, “adult” entertainment channels, and many foreign channels such as Al Jazeera, the Dubai Satellite Channel, Beijing TV and Channel One Russia.

The industry has been moving over the past few years to create packages of like programming - grouped into tiers which can be purchased separately by customers depending on their interests. Examples are HD tiers, family tiers, faith & value tiers, movie tiers and sports tiers. The result is that we can offer our customers greater choice and flexibility while not making every customer pay an increased cost for programming they don't value as much.

I understand this bill is intended to allow the NFL or Big Ten Networks a way to force their way on to the expanded basic tier, but the way it is drafted it would also grant the same arbitration rights to virtually any network. The bill's result would be to move the industry in the opposite direction of choice and flexibility. Instead of increasing choices for our customers, the result of this bill would be to force cable operators to have one very large tier in place of small packages of like programming being offered today.

And the obvious result would be higher prices for cable customers. This Committee, lead by Senator Plale has worked so hard this Session to pass the Video Competition Act which is designed to increase choices for consumers and put downward pressure on video costs. This bill would have the opposite effect on both choice and costs. Any programmer that uses this state-mandated arbitration process would be adding costs to cable's channel line-up and there is no process under this bill to control the costs. The arbitrator has one job - which is to determine the price of the channel which will be placed wherever the programmer requests. One thing we know for sure about this bill – it will result in higher cable prices for Wisconsin video customers.

Maybe that's why the USA Today characterized the NFL Network's plan as a “pick-pocketing” scheme.

Maybe that is why the Green Bay Press-Gazette warned that “state legislators should think twice about entering this fray unless they want to force cable rates higher”.

Maybe that is today's Wisconsin State Journal call this bill “unnecessary if not silly”.

NFL, BIG TEN NETWORKS

Finally, I want to turn and address issues specifically related to the NFL and Big Ten Networks because obviously, these are the entities pushing for mandatory carriage with this bill.

Cable providers are in the video delivery business. Companies like Time Warner Cable and Charter Communications want to carry programming that any segment of our customers want to see. Clearly, cable providers understand the value of sports programming to a large segment of our customers and that's why cable line-ups carry thousands of hours of professional and armature sports each year.

At the same time, cable operators need to be mindful of the costs and placement of programming in the line-up. The amount cable operators pay for programming is by far the single largest operating expense, and sports programming is leading the pack in terms of cost. Cable operators are trying hard to contain the soaring costs of sports programming so that it doesn't price basic cable TV service out of reach of our customers. The creation of a separate sports tier is one tool cable companies have used to contain the cost of programming. Sports tiers allow avid sports fans the ability to see the games they want without making every other cable customer pay higher cable rates for something they may not value as much.

Now, along comes the NFL and Big Ten Networks - new to the market as the number three and four most expensive cable networks being offered - and demanding they are placed on the most widely purchased tier. Now it is clear from the public comments made by companies like Time Warner Cable, Charter Communications and Comcast Cable that those companies want these networks available on their systems but they want to sell them on a sports tier for all the reasons I have just explained.

But those networks are refusing to budge on placement. Instead of working out terms with cable providers which would allow for carriage on sports tiers, they have come running to the Capitol to pull Legislators into their fight.

The NFL Network officials and lobbyist are telling anyone who would listen that they are in fact on the side of their fans. They want to be on the most widely viewed cable tier so that more of their fans can watch the games.

But let's look at the facts: The NFL games were available to anyone in Wisconsin with a TV set and a set of rabbit ears until last year. But with the new 2006 television contract negotiations, NFL fans began to lose access to games. The NFL decided to hold back eight second half season games for itself so that it could sell the games to fans who formerly could view the games for free over broadcast TV. Think about it - if the league was really concerned about fan accessibility to games, why did it hold back these eight games and put them on a costly cable network, why did it allow Monday Night Football to move to ESPN? Why does the NFL not allow cable companies and their customer's access to the "NFL Sunday Ticket" package? Why does it allow CBS and FOX to alternate their "doubleheader" Sunday games to ensure higher ratings for the telecast? The answer is obvious - it is about money. It is about the league leveraging the popularity of professional football to increase revenue. I am not arguing the league doesn't have the right to maximize revenue. But please don't give them a pass when they come here before you and tell you they are standing up for the fans.

They own the rights to the games. They dictate the terms of coverage. They could fix this immediately by returning NFL games to broadcast TV. Why not a bill requiring the league to carry the games on broadcast TV?

The fact is the NFL overestimated the demand for their new network. NFL Commissioner Roger Goodell projected that the NFL Network would have over 50 million, and possibly 60 million subscribers by this time, but it is falling well short of those numbers. They carry eight NFL games a year and 357 days of re-runs and repeats and there is no guarantee your favorite team will play in one of those games. So now they have the audacity to run to government to solve the business dilemma of their very expensive and poorly rated network.

And while I am at it, I cannot figure out for the life of me why people in the Green Bay Packer TV market should be forced to pay for the NFL Network as part of the expanded basic cable package. We all know the frustration expressed in Wisconsin was from the thousands of loyal Packer fans who were out of market and not able to see the Packer/Dallas game this year. But the game on November 29th was on broadcast and cable TV on the entire eastern half of Wisconsin from the Illinois border up to Marinette. Do you want to demand that cable customers in that market have to pay for the 4th most expensive cable channel all year so that they can have the Packer game – if there are more Packer games on the network – on two channels simultaneously? That makes no sense at all. Yes there are seven other match-ups on the Network this year. But many people are not interested in paying the entire year for a whole network with only eight NFL games a year. Of course, many NFL fans would like the other programming available on the NFL Network and that is why many cable companies are fighting hard to have the network available on a sports tier.

RECOMMENDATIONS FOR THE COMMITTEE

First, do not encourage their actions by pursuing this one-sided legislation. If the Network prevails in obtaining legislation to force mandatory coverage this could only be the start of more and more NFL games moving to pay TV. The same is true for the Big Ten Network. Surely the other major and even minor sports conference will attempt to follow the lead of the BTN. How many conference sports networks should Wisconsin cable customers have to support?

Second, do not take away cable's bargaining power. Whether it is the NFL, Big Ten or any of the hundreds of programming networks who could avail themselves of the arbitration rights created under this bill, the cable providers must have the means available to them to negotiate the best deals for our companies and our customers. The position many of our companies have taken to request carriage on a sports tier happens to fall precisely in line with the views of the vast majority of people who purchase video either from a cable or satellite provider. We know this because a) we take a lot of effort to know our customers and b) we have done the polling in Wisconsin. The fact is, according to our polling which I have provided to the Committee, 75% of Wisconsin's cable or satellite customers believe the NFL should allow their local provider to carry the games on a sports tier.

Finally, help cable companies in our efforts to provide choice and flexibility for our customers while keeping the price of expanded basic cable affordable to Wisconsin consumers.

I am convinced that the intentions of the authors of SB 343 are good. We understand and sympathize with many sports fans across Wisconsin who want to watch the Badgers and Packers on TV. We are sports fans too and we want to have the games available on our channel line-up.

I urge you to not undercut our ability to continue to negotiate with cable programmers such as the NFL and Big Ten Networks as we seek terms of agreement which will balance the interests of all of our subscribers. Please let the market do what it does best and permit the parties to work towards a mutually agreeable solution to this issue.

Thank you again for the opportunity to testify on this issue. I would be happy to answer any questions by Committee members.

OPINION

OUR OPINION

'FAN' bill is out of bounds

It was a bummer last month when the big Packers-Cowboys football game could not be seen on conventional or cable television in much of Wisconsin.

You had to sign up for satellite TV or walk down to a sports bar to catch the action on the NFL Network.

Now the same thing is happening with University of Wisconsin Badger basketball games. Some games will appear exclusively on the Big Ten Network, which major cable television providers Charter Communications and Time-Warner fail to carry because of stalled negotiations with the sports network.

It's frustrating and inconvenient. But it's not the end of the world. And it certainly isn't cause for rushed and showy legislation down at the state Capitol.

About two dozen Wisconsin politicians are pandering to sports fans by proposing a law they claim will end the sports "blackout" on some Packers and Badgers games.

The Senate Committee on Commerce, Utilities and Rail will hold a public hearing today on Senate Bill 343. The

The bill aimed at getting more Packers and Badgers games on cable television would set a bad precedent for government meddling in the free market.

hearing is scheduled for 11 a.m. in room 411 South at the Capitol in Madison.

Chief sponsors Sen. Dave Hansen, D-Green Bay, and Rep. Kitty Rhoades, R-Hudson, have dubbed their proposal the Fair Access to Network (FAN) Act. Sen. Fred Risser, D-Madison, is a

co-sponsor.

This unnecessary if not silly legislation would create an independent body to determine if certain television channels should be carried by cable providers.

The bill would set a bad precedent for government meddling in the free market. If two companies can't negotiate a private deal that makes financial sense for both of them, so be it. The government shouldn't be in the business of forcing private companies into a deal in which they can't control key terms of the contract.

It's also possible the bill is unenforceable or even unconstitutional.

Instead of dabbling in this private business dispute, state lawmakers should butt out. They should spend their time instead trying to encourage more market competition which leads to greater customer choice.

And in a big way, they've already done that. The Legislature recently approved the video competition bill. This bipartisan legislation will make it easier for providers to enter and expand in the marketplace. Customers will enjoy more choice and better prices than they would get without competition.

Those benefits will take some time to play out. But greater competition should shake loose a deal to make prime-time Packers and Badgers sports programming more accessible to average fans.

Go ahead fans, call your cable company or the Packers or UW-Madison to complain about the game blackouts when they occur.

But as for state lawmakers, your misguided attempt to force a fix on unwilling companies is out of bounds.

OUR VIEW**ISSUE:****Cable TV wars**

Elected officials should sit this out

One more observation as local and state elected officials try to insert themselves into the dispute between the NFL and Big Ten networks and the state's two largest cable television providers:

The dispute is whether the networks are included in the systems' "basic" packages at a monthly price of about \$2 per subscriber between the two networks, or whether the cable companies can put those channels into a premium package, where the subscribers have the option of paying the extra freight for the service.

The way the networks demand it, the companies would be forced to raise rates on every basic subscriber; the way the cable companies want it, subscribers would have a choice whether to pay the increase. Forcing it onto the basic package means a lot more money for the National Football League and Big Ten, of course, which is why they want it.

Village boards and state legislators should think twice about entering the fray, unless they want to force cable rates higher. Voters remember that sort of thing.

If government leaves it alone, the market will work it out eventually. Depending upon how it turns out, it may mean less popularity for the Big Ten or the NFL or for the cable companies. Are those issues where the government really needs to get involved?

OUR VIEW

Politicians should stay out of business dispute

The University of Wisconsin's first big football game of the entire season, last Saturday's Big Ten Conference matchup with No. 1-rated Ohio State, wasn't available on television to a large segment of Badger fans.

Compared to a number of other issues that come before the Wisconsin Legislature each year, finding a way for Badgers fans to watch their team could be considered — to mix sports analogies — a home run. But when it comes to forcing two businesses to settle a financial dispute, the politicians should forget about even going up

to bat.

The Big Ten formed a television network this year, ostensibly to create another profit source. Oh, they'll say they're in it to better serve the fans, and provide a wider forum for less-popular sports. But let's face it, the TV network is mostly about finding another way to make money.

As with many other upstart networks, they ran into trouble when it came to getting the network on cable television systems.

Charter Communications and Time Warner, the state's two

largest cable providers, want to put the network on a special sports tier that costs subscribers an extra fee. They say they're trying to keep cable bills down, but let's face it: a channel carrying Big Ten games probably has a lot more appeal in Wisconsin than a few dozen other channels customers are being forced to pay for.

Besides, both satellite TV systems found a way to put the Big Ten Network on its programming lineup.

There is something cruel about being able to watch the Badgers play teams with losing records most weeks and then not be able to see them finally play one of the league's two Top 25 teams. And while we sympathize with those fans who were left out in the cold Saturday, the Legislature has no business, so to speak, getting mixed up in a conflict between two businesses.

The state shouldn't legislate the cable companies must cave in to the Big Ten's demands, any more than it should force the league to fold and accept the cable provider's terms.

When enough cable customers drop their service for satellite TV, or when the Big Ten realizes it really needs to reach those cable customers, then the two parties will sit down and work out a deal. But what we have now is an old-fashioned standoff, and it's not the first time, either.

In fact, a Packers-Vikings game on the NFL Network last season produced the same angst.

It's regrettable that we fans are pawns in all of this, but the solu-

There is something cruel about being able to watch the Badgers play losing teams most weeks and then not be able to see them finally play one of only two Top 25 opponents.

Blitzing the FCC

WST 11/19/07

Everyone knows the National Football League is full of tough guys, but that doesn't mean team owners are above whining to federal regulators when they don't get their way off the field.

The league is currently upset that its eponymous television channel, the NFL Network, isn't getting wide distribution on basic cable. Instead, Time Warner and Comcast want to offer the network as part of their less popular sports tier of programming. The first NFL Network game of the season is on Thanksgiving, and the cable firms show no signs of giving in to the league's demands. The industry maintains that the NFL is charging cable companies too much money for them to offer the network on their basic tier without increasing subscription rates.

Dallas Cowboys owner Jerry Jones, whose team plays twice this season on the

The NFL Network calls a political play.

channel, has taken to calling for pigskin fans to drop cable operators and switch to satellite television, which runs a special package of NFL games each week. Perhaps the very prosperous league would do better to negotiate more favorable carriage terms with Time Warner and Comcast,

though we suppose Mr. Jones has every right to engage in a PR war if he thinks it'll help his bargaining position.

More troubling is the NFL's attempt to involve government regulators in what is essentially a commercial dispute. The league has taken its complaints to the Federal Communications Commission in hopes that the agency will force the hand of cable operators. A media campaign against cable is one thing, but seeking regulatory leverage in a private-sector dispute is unsportsman-like conduct. We trust the FCC knows the difference and will respond accordingly.

OUR VIEWS

Fans should keep blitz on cable TV

Badger and Packer fans are up in arms, and it isn't because they're doing the traditional "wave." Instead, they're letting their wallets do the talking and waving goodbye to cable TV.

Complaining about cable TV is a Badger State spectator sport. If ever-increasing costs don't grate on subscribers, service problems do.

Now, fans who are missing key Badger and Packer games on Wisconsin's cable TV heavyweights, Charter and Time Warner, are pouring into satellite TV offices.

Let's face it. Televised games have spoiled us. Our favorite football games, as well as Badger men's basketball games, sell out. Fans who don't have tickets have been able to catch the action in their living rooms. A decade or two ago, few Badger games were televised. In recent years, most have been.

The new Big Ten Network is changing



Al Hoch/ahoch@gazetteextra.com

How many viewers will cable TV companies lose to satellite TV before getting the message from fans?

the television landscape. Last Saturday's football game between Wisconsin and No. 1-ranked Ohio State was available only on the Big Ten Network. This season, only that network will carry 20 Badger men's basketball games.

Couple that with the Nov. 29 contest between the Packers and Dallas Cowboys being available only on the NFL Network, and, well, lawmakers think it's time to get in the game.

Last week, lawmakers fresh off their, ahem, swift approval of a state budget started moving quickly to enact bipartisan legislation. They want arbitration to help settle disputes between sports networks and cable companies.

Such legislation seems reasonable. But this isn't a matter of public health or safety. This tussle is all about money, and we would prefer to let it play out through market forces.

The Big Ten Network wants cable companies to carry its games on expanded basic packages without adding to customer charges. Charter and Time Warner argue that the price, about \$1.10 per customer, would make the Big Ten Network one of the most expensive basic channels and that adding it would force nonfans to help pay for a station they aren't interested in.

But many customers of basic packages pay for channels they seldom or never watch. And if small cable TV companies such as those in Westby and Richland Center can add the Big Ten Network, why can't Charter and Time Warner?

They can. And if enough residents place satellite dishes on their homes or blitz Charter and Time Warner with complaints, the companies will get the message. To its credit, the Big Ten Network's \$1.10 per customer fee is negotiable, President Mark Silverman told sports writer Tom Miller in Friday's Gazette.

So keep talking, and get it done.

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MEMORANDUM

TO: WISCONSIN CABLE COMMUNICATIONS ASSOCIATION

FROM: BRIAN TRINGALI
KATIE HANDEL

DATE: DECEMBER 14, 2007

RE: KEY FINDINGS FROM SURVEY OF WISCONSIN TV CONSUMERS ABOUT THE DISPUTE BETWEEN CABLE PROVIDERS AND THE NFL

The Tarrance Group completed a survey of adults in Wisconsin to assess views held by the public and test messages about the dispute between cable providers and The National Football League (NFL) over the placement of the NFL Network in cable lineup options. A telephone survey of N=600 adults was conducted with respondents 18 years or older, involved in television entertainment decisions for the household and subscribed to pay-TV services. A random sample of this type is likely to yield a margin of error of $\pm 4.1\%$. Responses to this survey were gathered December 9 – 11, 2007.

This survey found that a majority of all Wisconsin adults with pay-TV services are aware of the dispute between cable providers and the NFL. When provided with the information that this dispute resulted in missing a Green Bay Packers football game this season and two (2) college bowl games, adults are divided in their level of concern. Further highlighting how the dispute is perceived by the public, when provided with background information and the basic argument of each side, a majority of adults (50%) side with cable providers and 44% indicate their view is closer to the NFL's argument. Even with high awareness and a division of public opinion, there is a willingness among Wisconsin adults to allow market powers to determine the outcome of this dispute.

These findings are based primarily on the specific results below:

- Adults in Wisconsin, with pay-TV service, are satisfied with their current provider. Forty-two percent (42%) indicated they are very satisfied, forty-five percent (45%) are somewhat satisfied, and only 12% are not too or not at all satisfied. Of adults with pay-TV service, 68% subscribe to cable and 32% subscribe to satellite.
- Sixty-five percent (65%) of Wisconsin adults with pay-TV services are aware of the recent dispute between the NFL and cable providers over adding the NFL Network to expanded basic cable line-ups and 35% remain unaware. Awareness of the dispute is higher among cable customers (69%) than satellite customers (57%).
- Wisconsin adults are split in their level of concern about the impact of the on-going dispute. Adults outside the Green Bay Packers home market (those affected by a lack of Packers coverage) were asked to gauge the level of concern if their cable provider did not carry the NFL Network which resulted in missing a Green Bay Packers football game this season and two (2) college bowl games. Of adults outside the Packers home market, 29% are extremely concerned, 27% very concerned, 13% somewhat concerned and 31% are not at all concerned. Satellite customers are more likely to be concerned with 35% who are extremely concerned compared to cable customers at 25% extremely concerned. Those likely to be not all concerned include women (36%), seniors (38%), and those who watch one (1) professional football game a week (39%).

- Respondents were provided with the following background explanation:

“The National Football League sells the right to televise NFL football games to major networks. In 2003, the NFL Network was created and currently holds the right to broadcast eight regular season games. With the exception of the media market where the two participating teams call home, for example Green Bay, these games will not be televised on any other major network. As you may or may not know, the NFL and cable providers disagree over whether the NFL Network should be offered as part of an expanded basic cable subscription or as part of an optional sports package.”

Respondents were then read two opposing viewpoints about the dispute and asked to indicate who they would side with based on hearing these positions (viewpoints were rotated and read):

“Cable providers want to include the NFL Network in a digital sports package – charging only customers who subscribe to additional sports coverage. This way, cable TV customers who do not want the NFL Network do not have to pay for it, and cable TV customers who do want the NFL Network can buy the optional sports package.”

(OR)

“The NFL wants cable providers to include the NFL Network in the expanded basic cable package and share this additional cost among all customers.”

A simple majority (50%) of Wisconsin adults indicate that after hearing the background explanation and opposing viewpoints of the dispute they would side with the cable providers. With a 6-point gap, forty-four percent (44%) of adults indicate they would side with the NFL. Opinions over the dispute are held strongly, indicating a solidification of positions. Thirty-eight percent (38%) of adults agree strongly with the cable providers and 32% agree strongly with the NFL’s position. Those more likely to side with cable providers are adults outside of the Packers home market (54%), men (54%), working men (57%), single (58%) and those who watch one (1) professional football game a week (57%).

- The following selected messages highlight a willingness among respondents to allow cable providers and the NFL to settle the dispute through the usual process of market negotiations. There is strong intensity behind allowing customer and company interests to settle the dispute shown by the overwhelming agreement (85%) that the government should stay out of it and 72% feeling strongly so. Further, three-fourths of adults (75%) agree that precedent has already been set on resolving this dispute.

Informative Statements	Agree	Unsure	Disagree
The NFL has already allowed the largest cable company in the country to carry the games on an optional sports tier. It should do the same for your cable provider.	75%	8%	18%
The NFL wants the government and bureaucrats to get involved and make cable providers comply with their demands. The government should stay out of the dispute and let consumers and the companies figure it out.	85%	3%	12%

- Further, there is almost universal agreement that only customers who want additional sports coverage should have to pay the additional and high costs demanded by the NFL.

Informative Statements	Agree	Unsure	Disagree
If cable providers give in to the NFL, even customers who already have access to all Green Bay Packers games, will have to pay for the cost of the NFL Network on expanded basic cable and that is not fair.	77%	4%	19%
If the NFL Network is carried as part of the expanded basic cable package, all customers will pay the extra cost. Only customers who want additional sports coverage should have to pay.	71%	4%	26%
The NFL is demanding tens of millions a year for just 8 regular season games. This is too much money to expect cable customers to pay for this programming.	84%	4%	12%

WisPolitics/Checkpoint Poll: State should stay out of cable dispute

12/11/2007

Despite much of the state missing the Green Bay Packers' showdown with the Dallas Cowboys on the NFL Network and the prospect of not seeing 20 Wisconsin men's basketball games scheduled for the Big Ten Network this season, likely voters don't have much desire for state lawmakers to get involved in the channels' dispute with cable providers, according to a new WisPolitics/Checkpoint survey.

Seventy-one percent of respondents said they don't want the state to get involved in the disputes, while 24 percent said it should. The remaining 5 percent had no opinion or no answer.

The telephone survey of 400 likely voters statewide was conducted Nov. 29-Dec. 4. It has a margin of error of plus or minus 5 percentage points. The poll was conducted as awareness of the issue was high: the Packers-Cowboys game took place Nov. 29 and could only be seen by satellite TV subscribers on the NFL Network and on local television in Green Bay and Milwaukee, which the NFL considers to be the Packers' home market.

The respondents were asked: This year some Wisconsin residents have been unable to watch certain Green Bay Packers and University of Wisconsin football and basketball games due to a dispute between the Big 10 Network and NFL Network and large cable companies like Time Warner and Charter Communications. Two state legislators have proposed a law to provide a third-party arbitrator to settle disputes between cable companies and independent programmers. Do you think the state should get involved in the dispute or should the cable companies and the network work out the situation on their own?

The results:

The state should get involved, 24 percent
Cable companies and networks should work out situation on own, 71 percent
No answer/no opinion, 5 percent

*See the polling memo: <http://www.wispolitics.com/index.html?Article=112444>

— *WisPolitics.com/Checkpoint poll results are a subscriber-only product of WisPolitics.com. For information on subscribing to WisPolitics.com products, contact: Jim Greer at greer@wispolitics.com and 608-237-6296.*

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 19, 2007

Mr. Roger Goodell
Commissioner
National Football League
280 Park Avenue
New York, NY 10017

Dear Commissioner Goodell:

We write today to express concern that the National Football League is exercising its substantial market power to the detriment of consumers. Specifically, we are concerned that the NFL member teams are using the NFL Network, to restrict the output of game programming. In an effort to obtain carriage of the NFL Network by all cable and satellite providers as part of their basic programming package, the NFL will air eight late-season games exclusively on the NFL Network. Forcing providers to carry the NFL Network as part of their basic programming packages would mean that all their customers, even ones not interested in the programming, would have to pay for it.

The NFL has reportedly sought to increase the pressure on satellite and cable providers by demanding that local broadcast network affiliates ensure that their distribution of these games is limited to narrowly defined local markets. This will mean that consumers in our home states will not have the choice of seeing these late season games. Residents of Vermont will not be able to see what may be an historic contest between the New England Patriots and the New York Giants. Likewise, residents of Allegheny, Armstrong, Beaver, Butler, Fayette, Forest, Greene, Indiana, Lawrence, Venango, Washington and Westmoreland counties in Pennsylvania will not be able to see the important match-up between the Pittsburgh Steelers and the St. Louis Rams.

This decision to limit the output of professional football game programming appears designed to sustain and strengthen the market power of the NFL and its member teams. In accordance with the decision of the Third Circuit Court of Appeals in *Shaw v. Dallas Cowboys*, 172 F.3d 299 (3d Cir. 1999), the sale of broadcast rights to satellite and cable providers is not covered by the NFL's antitrust immunity. As you know, we have previously expressed concern about the NFL member teams restricting the output of game programming. Almost exactly a year ago, we held a hearing focused on the NFL Network as well as the efforts of the NFL to restrict output through its exclusive sale of the Sunday Ticket. At that hearing, Stanford University Professor Roger Noll, one of the Nation's foremost experts in sports economics and regulatory policy, characterized the NFL Network as "a profit-enhancing reduction in output in the sense that the game that is on

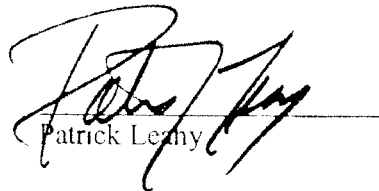
NFL Network, the eight games, will be available to fewer people than had those games been offered on broadcast television.”

The NFL appears to be moving incrementally closer to limiting distribution of its programming to subscription television. Businesses are generally free to set their own prices and to decide with whom to deal, but unlike most other businesses, the NFL and its member teams have long been beneficiaries of exemptions from some aspects of federal antitrust law relating to broadcast rights to their games. These exemptions may have made sense at one time, when leagues were far less commercialized and were committed to making their television rights available for free, over-the-air broadcast. Now that the NFL is adopting strategies to limit distribution of game programming to their own networks, Congress may need to reexamine the need and desirability of their continued exemption from the Nation’s antitrust laws.

We ask that you take prompt action to make games like the Patriots-Giants and Steelers-Rams games more broadly available than just on the NFL Channel. We also ask you to provide us with a justification for the decision by the NFL and its member teams to restrict distribution of game programming in light of the fact that such conduct is not immune from the antitrust laws.

Sincerely,


Arlen Specter


Patrick Leahy



Testimony of Mark Silverman,
President, Big Ten Network
Wisconsin Senate Committee on Commerce, Utilities & Rails
December 20, 2007

I would like to thank this committee for the opportunity to address the issues before us today. The Big Ten Network's goal is to provide more Big Ten programming than ever before to the fans, students, and alumni of the 11 universities comprising the Big Ten. The network has been built to represent the tradition, culture and values of the Big Ten and the University of Wisconsin. In addition to its numerous football and basketball games, the network will televise more than 150 women's events, hundreds of hours of non-sports related university programming, and previously non-televised sports such as wrestling, soccer, and field hockey. In our first year alone, we will air approximately 400 live events. The network will not accept any alcohol or gambling advertising, will not run infomercials, and has committed to gender equity in men's and women's sporting events within three years.

In September, the network became the first cable network ever to be distributed in 30 million homes within its first 30 days of being on the air. The network now has deals with more than 160 cable operators in the Midwest, all carrying the network on an expanded basic level of service. In addition, the network has negotiated deals with the two largest satellite providers DirecTV and Dish Network, and with AT&T U-verse. Within the Big Ten community and the eight states that comprise the Big Ten, the network is seeking expanded basic carriage. We believe that the integration of these universities into the fabric of their respective states and communities warrants broad distribution to all homes in the region. Outside the eight states, we are open to a different level of service.

We are pleased that those with access to the network report they enjoy the increased coverage for their schools, as well as the quality of the productions. The majority of our events are produced in high-definition, with experienced announcers, analysts and producers ensuring a high-quality broadcast.

At this time, the network is not being carried by the four biggest cable providers in the eight-state region: Comcast, Time Warner, Charter, and Mediacom. We are having continued negotiations with some of these cable companies, and are actively working to try and reach mutual agreements with them.

The network has learned that in markets with viable competition, we have been more successful in negotiating deals. In our situation, competition acts in the best interest of both the consumer and the Big Ten Network. Providing consumers more options, including multiple ways to receive the network through a variety of distributors who provide content and services they desire, is a step forward for Wisconsin.

We are not requesting that the Wisconsin legislature mandate binding arbitration between cable companies and the Big Ten Network. We believe a free market in which competition flourishes to be the proper environment in which to negotiate an agreement.

Now, I'd be happy to answer any questions you may have.

Thank you.

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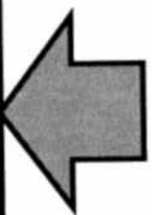
Draft Testimony Schedule

Wisconsin Senate Committee on
Commerce, Utilities, and Rail

December 20, 2007

Senator Dave Hansen

- Author of the FAN legislation
- Testimony to focus on constituent outcry for a solution to the impasse between Big Cable and independent programmers.
- FAN does not chose sides, does not mandate carriage – it simply sets up a neutral dispute resolution process that protects the interests of television consumers in Wisconsin



Jason Weid, Green Bay Packers and Steve Bornstein, NFL

- History of NFL Network and why it is good for the fans and good for the Green Bay Packers.
- Touch on success of negotiations with small cable companies, telecom companies and satellite. Only obstacle being Big Cable – whose own networks get preferential treatment at the expense of independent programming like NFL N.
- The NFL is so committed to resolving this dispute for the good of the fans that we are willing to support FAN and the arbitration process it creates. If Big Cable is committed to the fans, they should not fear arbitration.
- If you want to see the Green Bay Packers and the NFL continue to thrive, you should support the Fair Access to Networks legislation.

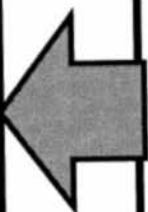
Barry Alvarez, Athletic Director, University of Wisconsin, Jim Delaney, Commissioner, Big Ten Conference and Mark Silverman, President, Big Ten Network

Will testify "for information only" but will be supportive of FAN and all efforts to give Wisconsinites access to Big Ten Network.



CABLE WITNESS #1

Most likely Wisconsin Cable Association President



NFL Executive #2 (Frank Hawkins)

- Provide any needed "clean up" from Harlan/Bornstein
- Counter cable charges.
- Greater detail on discriminatory and monopolistic treatment Big Cable has shown to NFL N.

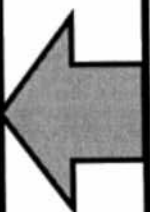
CABLE WITNESS #2

Could be Milwaukee Area Chamber of Commerce. Time Warner is a significant member of that association.



Legal Expert/Scholar (Professor Ernie Young)

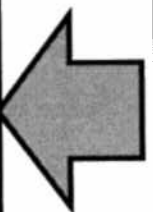
- Legal analysis of why the State of Wisconsin Legislature has authority to enact FAN legislation – we are not preempted by federal law.
- Explain why free market is not working when it comes to big cable companies and their market dominance.



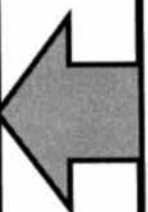
CABLE WITNESS #3

Larry Darby, American Consumer Institute

- Big Cable is a monopoly without any remnants of free market choice.
- Consumer protect measures like FAN are needed to ensure that cable customers have some protections from unfair practices of Big Cable.



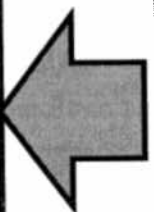
CABLE WITNESS #4



Packers Hall of Fame Fan Kathy Lazzaro

- The Green Bay Packers and NFL football are more than just a game in Wisconsin.
- We don't know who has the best or most reasonable negotiating position in this dispute – we just know that our cable bill continues to go up and we want access to the NFL Network.
- While we have many channels we don't want, why can't we get the ones we do want?
- The FAN legislation gives a voice to all Packers fans and should be passed.

CABLE WITNESS #5



Rooty Leigh, Founder, Madison Packers Backers Fan Club

- I was one of the people who could not see the Packers play the Cowboys on November 29th.
- I don't really care who has the best negotiating position and which business is right and which is wrong
- What I do know is that the Packers are not some "business" in Wisconsin – they are a part of who we are.
- (tell story of founding Madison Packers Backers)
- What I also know is that people want NFL Network, they want to be able see the games and this legislation will help make that happen.
- Please do the right thing for us Packers fans and ignore the corporate guys...pass this bill so we never again have to miss even one game.





WISCONSIN CABLE COMMUNICATIONS ASSOCIATION

22 East Mifflin Street, Suite 1010 • Madison, WI 53703 • 608/256-1683 • Fax: 608/256-6222

EXECUTIVE DIRECTOR - Thomas Moore

February 28, 2008

To: Members, Senate Committee on Commerce, Utilities and Rail
From: Tom Moore, WI Cable Communications Association
RE: LRB 0231/1 – NFL Arbitration

It has come to my attention that Lobbyists for the NFL Network are touting a “compromise” substitute amendment to Senate Bill 343, which would require mandatory arbitration between cable operators and video programmers.

Please note there have been no discussions between the stakeholders in this contentious issue. This substitute amendment does not in any way reflect a compromise position. In fact, this substitute amendment has provisions which are more onerous than the original bill draft.

The WCCA and its members continue to oppose SB 343 and the substitute amendment, LRB 0321/1.

If you have any questions in this please do not hesitate to contact me.



My name is Jim Delany and I assumed the Big Ten Commissionership in 1989. The Big Ten Conference is a not-for-profit educational organization with a staff of 30 people. We perform a variety of functions for our member schools including, but not limited to training and assigning game officials, compliance rules education, marketing and press relations, holding championships and conference competitions, and developing television, bowl and other competitive and media agreements. The conference was founded in 1895, is the oldest intercollegiate conference in the country, University of Wisconsin was one of the 7 charter members.

I appreciate the opportunity to discuss the conference, the Big Ten Network and related issues. The Big Ten Network is a for-profit company and a joint venture between the Big Ten Conference, its members and Fox Sports. I would like to place the Big Ten Network, Conference revenue sharing, our media agreements including agreements with ABC, CBS, ESPN, our bowl agreements and the joint academic/competitive enterprise known as the Big Ten Conference into some perspective. We have aggregated our television rights, as well as our bowl rights including a commitment to share revenue equally from these sources since 1989. I have had the privilege of serving a variety of Chief Executive Officers of the University of Wisconsin, including Donna Shalala, David Ward and John Wiley. During my tenure and their tenure, Wisconsin athletic programs went from the red to the black financially, from the cellar to the Rose Bowl in football and on a broad array of sports, from not competitive to nationally competitive.

Many people were responsible in planning and executing this fabulous turnaround. Executives, administrators, coaches and student athletes can all share in this success story. Fans responded and reacted positively to this success. However, the conference structure is based on a one for all - all for one collaborative TV, bowl, and revenue sharing approach that formed a foundation for this turnaround. Examples include the following:

1. Football television went from 18 telecasts in 1989 to 80 telecasts in 2007.
2. Basketball went from 1 national telecast on ESPN in 1989 to at least 3 per week in 2007.
3. CBS national telecasts went from 10 to 20 per year.
4. Men's and women's basketball tournaments were created.
5. The growth of Big Ten bowls grew from single Rose Bowl to a total of 7 bowl relationships including 3 New Year's Day games, and bowls in Texas and Arizona.
6. Big Ten through the BCS has experienced 3 championship opportunities as well as 7 at large BCS playing opportunities in the last 10 years.
7. Attendance in football grew from 58,000 to over 71,000 during this time average.

8. Men's basketball attendance continues to lead the nation through this period.
9. Conference distributable revenue grew from \$20 million in 1989 to over \$200 million in 2007.
10. Nine different teams played in the Rose Bowl during this time period including 3 Wisconsin appearances.
11. Seven different teams played in NCAA Final Four competition including Wisconsin.
12. National championships were crowned in 20 different sports.
13. Opportunities grew from 6,500 student athletes to 8,500 student athletes.
14. The allocation of opportunities moves from 70/30 male/female to 51/49 male/female during this period.
15. Scholarship aid grew from \$30 million annually to over \$100 million annually.
16. The Big Ten Network was created.
17. Significant agreements with ABC/CBS, ESPN were achieved.

In conclusion, I couldn't be prouder of what the University of Wisconsin inter-collegiate athletics has accomplished. I am proud of the executives, the administrators, the coaches, the players and the fans. Tremendous progress has been made in Madison over the last 20 years. However, I will go on the record to say that these accomplishments have not occurred in a vacuum – but rather in

the context of a competitive and collaborative joint enterprise known as the Big Ten Conference where institutional TV rights are aggregated and marketed with institutional limitations, where institutional bowl rights are aggregated and forged with institutional limitations, where gate and TV revenue is shared by those with the most successful programs with those with less successful programs and where national and conference competitiveness is sought within these shared practices within the nations oldest collegiate conference. It is obvious that these practices produce a great deal of upward mobility and competitive strength throughout the conference. Wisconsin has prospered in this structure. Eleven institutions building and pulling in one direction often allied against the strongest and most powerful media interests in the world.

The Big Ten Network is an extension of these values and standards. It is a bold and aggressive attempt to build a vibrant national network serving the interest of our universities and fans in a challenging and sometimes less than competitive marketplace. Our members are served well by this aggregate structure as we negotiate with networks, bowls, cable systems and new media opportunities.

The Big Ten Network is similar to other bold initiatives undertaken by the conference during its history, it is similar to the Big Ten entering into the Rose Bowl relationship in 1947, it is similar in its boldness to the Penn State expansion, it is similar to the innovation that the conference displayed when it established college football's instant replay and the vision of the network is

similar to the vision the conference exhibited when it committed to equity of participation for its male and female athletes. All of these initiatives reflect on a combination of tradition and innovation, the conference has always believed that change requires a touch of courage, some patience and a unified and shared commitment.

Fortunately, we have 11 institutions who believe in these values.





SB
343

STEVEN M. BORNSTEIN
Chief Executive Officer, NFL Network

Considered one of the most influential sports and entertainment television executives of the last quarter century, Steve Bornstein has his sights set on paving a new path for the cable and satellite industries in the next quarter century.

The 22-year veteran of ESPN and ABC, Bornstein joined the National Football League in January 2003, after serving as a league consultant for four months.

Bornstein was appointed the President and CEO of NFL Network by NFL Commissioner Paul Tagliabue. The network will be the first television programming service fully dedicated to the NFL and the sport of football. NFL Network begins airing in Fall 2003 and runs seven days a week, 24 hours a day on a year-round basis.

In addition, Bornstein's duties include serving as the NFL's Executive Vice President of Media. Among his first duties in that role, Bornstein was pivotal in securing the December agreement to extend the NFL Sunday Ticket exclusively on satellite provider DirecTV through 2007.

Bornstein's expertise and experience will be relied upon to lead all aspects of the new cable and satellite network, including staffing, programming, distribution, advertising, sales, marketing and overall positioning and direction of the network. Additionally, Bornstein's vast contacts throughout the television industry will help strengthen the NFL's relationships with its current TV partners as the evolving industry plans for the future.

Prior to joining the NFL, Bornstein was the president of ABC Television, a post he held until his resignation in May 2002. In 1999, Disney chief Michael Eisner tabbed Bornstein to serve as chairman of the Walt Disney Internet Group, which he did from 1999-2001. Before that, he was responsible for all of ABC cable and broadcast assets.

But, Bornstein built his reputation on the company he helped build. When Bornstein joined a four-month old company in 1980 in its programming department, there was only one network: ESPN. In the next 10 years, he and the ESPN team shaped it into an American media success story. On September 10, 1990, Bornstein became the network's youngest president at age 38. Under his leadership, ESPN established itself as the most recognizable name in sports programming worldwide. In March 1993, he became a Corporate Vice President of the then-named Capital Cities/ABC, Inc. In April, 1996, Bornstein was named President of ABC Sports.

Named ESPN, Inc.'s first-ever Chairman on November 19, 1998, Bornstein spearheaded the company through its most active growth period while serving as President and CEO the previous eight years. As Chairman and CEO, Bornstein focused on ESPN's global business and growth opportunities for the company.

Bornstein's vision and creativity led to ESPN creating new networks, brand extensions, global expansion and strategic acquisitions. Under Bornstein's direction, ESPN aggressively sought innovative ways to serve sports fans through all forms of media and technology.

His marketing prowess, programming acumen and innovation have led to success after success. From *ESPN2*, to *ESPN News*, to acquiring *ESPN Classic*, to *ESPN International Network*, *ESPN The Magazine*, *ESPN Radio*, the *ESPY's* and creating the *X-Games* and *ESPN Sports Zone* restaurants. Bornstein's fingerprints are on all of it, including the cutting edge programming that still thrives today: *SportsCenter*, *NFL PrimeTime*, *Baseball Tonight* and the *Outside the Lines* series.

Bornstein led a team that amassed 59 Emmys and 57 Cable Ace Awards. To this day ESPN maintains Bornstein's original philosophy of providing the broadest and deepest coverage of sports with award-winning, innovative production techniques.

While at ABC, Bornstein established *ABC Sports* as the preeminent network of college football. Under his leadership, ABC Sports created the College Football Championship Series (BCS), the first-ever national college football championship and extended contracts with the Big Ten, PAC-10 and Atlantic Coast Conferences that still are in effect today.

Prior to joining ESPN, Bornstein spent three years at WOSU-TV in Columbus, Ohio, serving as Executive Producer the last two years. Under his direction, WOSU won three local Emmy Awards. Bornstein was also involved with Qube, Warner-Amex's two-way cable system which began in Columbus, paving his path to ESPN; he produced the early pay-per-view project of Ohio State football for two years.

Born on April 20, 1952, Bornstein is a native of Fairlawn, N.J. and a 1974 University of Wisconsin graduate with a Bachelor of Science degree in film. As an undergraduate, he worked at WHA-TV and WKOW-TV in Madison. After graduation, he worked for two years at WMVS-TV in Milwaukee as a remote crew chief. He also freelanced as a cameraman for Marquette Warriors and Milwaukee Bucks basketball games and Milwaukee Brewers baseball games.

Activities in outside organizations include Bornstein's charity work for the V Foundation, an organization dedicated to saving lives by finding a cure for cancer. Honoring the late Jimmy Valvano, the college basketball coach and former ESPN analyst, Bornstein is proud to serve as a member of the board. In addition, Bornstein is a trustee for Hampton University in Richmond, Virginia and sits on the board of directors for the American Museum of the Moving Image, which is dedicated to educating the public about the art, history, technique and technology of film, television and digital media and to examining their impact on culture and society.

Bornstein is based out of the NFL headquarters in New York City.
(10/05)

Jason Wied

Packers, Vice President of Administration/Corporate Counsel

Jason Wied, the Packers' corporate counsel since 2001, in 2007 begins his first year as the organization's vice president of administration/corporate counsel.

Named to the position April 3, 2007, Wied's expanded responsibilities include representing the Packers at NFL meetings, as well as the day-to-day management of the team's administrative operations, including retail operations, Atrium operations, community outreach, information technology, public relations, facility operations and security. He'll continue to oversee the team's corporate legal matters and work closely with the Board of Directors and Executive Committee.

"Jason's contributions to the organization have grown each year and he will continue to play a significant role in our club's leadership structure," said Packers Chairman Bob Harlan. "His previous work on the organization's legal matters and administrative responsibilities has been outstanding. Also, he's a Green Bay native and therefore has a great feel for the unique nature of the franchise. We look forward to his continued important counsel on key issues for the Packers."

Wied (pronounced WEED) joined the Packers Sept. 18, 2000, as staff counsel after practicing civil litigation and business law for two years (1998-2000) at the law firm of Liebmann, Conway, Olejniczak & Jerry, S.C., in Green Bay. He was promoted to corporate counsel a year later.

A Green Bay native, Wied, 35, graduated from Green Bay Premontre High School (1990), where he played football and hockey. He then graduated from the University of Wisconsin-Madison (1995, B.A. psychology) and from Marquette University Law School (1998). His early work with the team included coordination of the construction and lease negotiations involving the redevelopment of Lambeau Field as well as the team's successful application for the NFL's G-3 stadium funding. In addition to managing the team's corporate legal matters, he also guided strategic media and sponsorship agreements associated with the redeveloped stadium.

Wied continues to be involved in Wisconsin's legal community as he serves on the State of Wisconsin's Agent Advisory Committee.

Active in the community, Wied is a member of the board of directors of the Heritage Hill Foundation and a member of the executive committee of the Green Bay Chamber of Commerce. He is a member of the Green Bay Gamblers (USHL) advisory board and is a past member of the board of directors of the Green Bay Marathon.

Wied and his wife, Melissa, live in Green Bay with their three children: two sons, Jack, 10, and Henry, 6, and a daughter, Rae, 4. Away from work, he coaches youth hockey and baseball, and also enjoys reading, playing golf, hockey and racquetball, as well as spending time with his family.

Kathy Lazzaro Named Eighth Member Of Packers FAN Hall Of Fame

posted 12/16/2005

Kathy Lazzaro of Milwaukee was named the eighth member of the **Green Bay Packers FAN Hall of Fame** Friday.

Lazzaro was nominated by Joseph M. Fasi II of Brookfield, Wis., who met her earlier this year when he joined her for a drive to Green Bay for the home opener, Sept. 18, vs. Cleveland.

In his nomination letter, Fasi said, "I have in the past read about the ultimate fan and thought I knew some. However, when I met Kathy Lazzaro this year, I finally found the living definition of the ULTIMATE FAN.

"Kathy Lazzaro is a wonderful, soft-spoken woman about 60 years old. She has been a widow for the last 5 years. She NEVER misses a home game, driving up to Green Bay with her son Joseph. My daughter and I shared a ride to Green Bay with Kathy and her son to the Browns game. As we drove to Green Bay, I found out that her home is a Packers shrine set up in a room with green and gold and icons to honor her beloved Packers past and present. She never leaves the TV during a game.

"She did not miss a game when her husband, Joseph, died 5 years ago. She knew that he would have wanted her at the games, since that was her second lover after her husband. There are many fans dressed in team colors, who attend the games or have a room decorated for the Pack. What sets Kathy apart and makes her an exceptional candidate for the Green Bay Packers Fan Hall of Fame is her spirit.

"A fan is one who always believes in the team and sticks with them no matter whether they are winning or losing. Kathy is that fan. She loves HER Packers and will not leave them at any time, in any weather, despite the record or score on the board. She will not leave the game early and will not speak ill of her team. That goes beyond the colors, clothing, jewelry, photos and pennants. That is the spirit and living definition of a fan. I was in awe of what I saw and heard when I met her and I encourage you to meet her as well. She is for real. These pages cannot adequately capture or contain the spirit and essence of this SUPER FAN. One meeting would convince you as it did for me."

Lazzaro will receive four club seats to the Jan. 1 Packers-Seahawks game, at which she will be recognized on the Lambeau Field TundraVision video boards, a \$500 Packers Pro Shop gift certificate and a road trip for two to a 2006 Packers away game, including game ticket, air fare and hotel accommodation. She also will be introduced during the Packers Hall of Fame Induction Banquet next July and have her name permanently displayed in a place of honor in the Packers Hall of Fame.

Balloting for the FAN Hall of Fame, international in scope, yielded thousands of votes from throughout the United States and countries around the world.

This year's finalists, in addition to Lazzaro, included Rudy Carmenaty, Massapequa Park, N.Y.; Caroline B. Comella, Appleton, Wis.; Bob Esch, Caledonia, Minn.; Jeff Kahlow, Fond du Lac, Wis.; Patrick Finkler, Reading, Mass.; Thomas P. Hay, Sun Prairie, Wis.; Frank Parks, Newfield, N.J.; Ray Schrader, Wabeno, Wis. and April Skony, Jupiter, Fla.

The Green Bay Packers, the first professional football team to have its own hall of fame, enhanced that distinction in 1998 by establishing a Packers FAN Hall of Fame for the purpose of annually honoring a devout and longtime Packers fan.

The seven prior inductees include Mel Knoke, Appleton, Wis.; Louis Gardipee, Black River Falls, Wis.; Ed Jablonski, Wausau, Wis.; Paul Mazzoleni, Green Bay; Wanda Boggs, Brookfield, Wis.; Sister Isaac Jogues Rousseau, Milwaukee; and Dorothy Hanke, Milwaukee.

FAN Hall of Fame sponsors are ShopKo, Stein Gardens and Gifts, Best Buy and Time Warner Cable.



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“We have people who are willing to paint their Winnebago in school colors and park themselves out there. I got to believe that they’re willing to pay something extra.”

Melinda Witmer, Time Warner Cable

Senior Vice President and Chief Programming Officer

Mt. Horeb Telecom Enhanced Cable Package Lineup

BASIC CHANNELS			
ABC (WKOW)	7	NFL Network	152
CBS (WISC)	9	Nick GAS (Games & Sports)	110
C-SPAN	16	Nick Toons	108
C-SPAN 2	17	Nickelodeon	107
D-TV	10	Noggin	129
Fox (WMSN)	6	Outdoor Channel	37
HSN (Home Shopping Network)	18	Oxygen	59
Madison CW (WBUW)	15	Sci-Fi Channel	48
MHTC Channel	2	Soap Network	64
Mt Horeb Local*	12	Speed Channel	35
Mt Horeb Schools*	4	Spike TV	43
My Madison TV	14	Style	98
NBC (WHA)	5	TBN (Trinity Broadcasting)	199
PBS (WMTV)	11	TBS	44
QVC	6	TCM (Turner Classic Movies)	55
WGN	13	The History Channel	37

ENHANCED CHANNELS				
ASE	46	The Military Channel	86	
ABC Family	103	The Science Channel	55	
AMC (American Movie Classics)	54	The Travel Channel	29	
AmericanLife TV	63	TLC (The Learning Channel)	35	
AnimalPlanet	92	TNT	33	
BBC America	68	Toon Disney	112	
BET	150	TV Land	112	
Bloomberg TV	127	USA	47	
Bravo	102	Versus	36	
Cartoon Network	21	WHL	42	
CMT	22	ESP..... 21		
CMT Pure	22			ESPN News..... 22
CNBC	23			ESPN Classic..... 23
CNN	24			ESPN 2..... 24
CNN - Headline News	27			Fox Sports Net Wisconsin... 27
Comedy Central	28			NFL Network..... 28
Court TV	29			Big Ten Network..... 29
Discovery	34			Golf Channel..... 34
Discovery Health	35			Speed Channel..... 35
Discovery Home	36			Versus..... 36
Discovery Kids	37			Outdoor Channel..... 37
Discovery Times	37			
Disney Channel	40			
EL	40			
ESPN	40			
ESPN 2	40			
ESPN Classic	40			
ESPN News	40			
EW/TN (Eternal World)	40			
Food Network	40			
Fox News Channel	40			
Fox Sports Channel	40			
Fox Sports Net Wiscon	40			
FX	40			
G4	40			
Golf Channel	40			
Great American Country	406			
GSN (Game Show Network)	372			
Hallmark Channel	67			
HSTV	96			
Ion	62			
Lifetime	58			
Lifetime Movie Network	56			
Lifetime Real Women	60			
MSNBC	125			
MTV	151			
MTV Jams	153			
MTV Tres	155			

2	MHTC Channel	103	ABC Family
4	Mt Horeb Schools*	107	Nickelodeon
5	NBC (WMTV)	108	Nick Toons
6	QVC	109	Noggin
7	ABC (WKOW)	110	Nick GAS (Games & Sports)
8	Fox (WMSN)	111	Cartoon Network
9	CBS (WISC)	112	TV Land
10	D-TV**	121	CNN
11	PBS (WHA)	122	CNN - Headline News
12	Mt Horeb Local*	123	Fox News Channel
13	WGN	124	CNBC
14	My Madison TV	125	MSNBC
15	Madison CW (WBUW)	127	Bloomberg TV
16	C-SPAN	128	Weather Channel
17	C-SPAN 2	150	BET
18	HSN (Home Shopping Network)	151	MTV
21	ESPN	152	MTV2
22	ESPN News	153	MTV Jams
23	ESPN Classic	155	MTV Tres
24	ESPN 2	164	VR-1
27	Fox Sports Net Wisconsin	165	VR-1 Classic
28	NFL Network	166	VR-1 Soul
29	Big Ten Network	167	CMT Pure
34	Golf Channel	172	CMT
35	Speed Channel	173	Great American Country
36	Versus	196	EW/TN (Eternal World)
37	Outdoor Channel	199	TBN (Trinity Broadcasting)
		301	HBO
		302	HBO 2
		303	HBO Family
		304	HBO Signature
		321	Cinemax
		322	Cinemax - More Max
		351	Showtime
		352	Showtime Extreme
		353	Showtime Showcase
		354	Showtime Too
		355	Showtime Beyond
		361	TMC-The Movie Channel
		362	TMC-Xtra
		371	Flix
		372	Sundance
		401	Starz!
		402	Starz! Edge
		403	Starz! Cinema
		404	Starz! Comedy
		405	Starz! In Black
		406	Starz! Kids & Family
		421	Encore
		422	Encore - Action
		423	Encore - Love Stories
		424	Encore - Mystery
		425	Encore - Drama
		426	Encore - WAM
		427	Encore - Westies

ADULT CHANNELS
451 Playboy Channel
452 Playboy Pay-Per-View

DIGITAL MUSIC CHANNELS
901-945 CD Quality Music



MHTC Price, Enhanced Package: \$50.95

*Mt. Horeb Telecom Web site: <http://www.mhtc.net/>

Charter Price, Big Value Package: \$59.99

*Capital Times, "More bad news about cable TV: Prices to go up" November 1, 2007



If the NFL is really concerned with fan access to the games, why create your own network and hold back games from broadcast carriage?

Couldn't the NFL today decide to sell those games to broadcasters? You own the rights. If the issue is fan access and the League controls the rights to the games why not return the games to the broadcast stations?

Why does the NFL want the Legislature to intervene in the marketplace to force cable operators to carry the NFL Network with 8 games each year while at the same time the NFL thinks it has the right to offer the NFL Sunday Ticket, with hundreds of games, exclusively to one DBS provider?

If this is a good precedent, should the Legislature tell local retailers which brands they will have to carry?

I have that in an effort to get their customers to be able to watch the Nov. 29th Packer/Dallas game, several cable companies offered to put the game on a pay-per-view and allow the NFL to charge what it wanted and keep the revenue. The NFL Network refused that offer. Why turn down an offer like that?

Since the NFL has itself become vertically integrated into sports programming, if we enact any arbitration requirement, shouldn't we require that the NFL arbitrate the right to carry any of its games with any interested broadcaster, programmer or cable or satellite operation?



Fair Access to Networks Act

Consumers lose when the big cable companies discriminate against independent cable programmers at the expense of viewers.

- Nationwide the two largest vertically integrated cable operators are Comcast and Time Warner, which control a staggering 62.2% of all cable subscribers. That combined power, unprecedented in the history of the cable industry, means that they have the ability to decide the success or failure of cable programming channels. In Wisconsin, Time Warner and Charter Communications are the dominant cable providers.
- Cable companies like Time Warner and Comcast penalize independently-owned channels like the NFL Network in favor of the channels that the cable companies themselves have a financial interest in. Time Warner offers Court TV and Cartoon Network – both owned by Time Warner – on their standard service tier, but will not agree to offer NFL Network on the same tier. Charter Communications Chairman Paul Allen was a major investor in the recently-sold Oxygen Network, which is also carried on a standard tier.
- The large cable operators have every incentive to use this unprecedented power to help their own interests. It is not hard to guess which channels the cable systems carry in a preferred position on the extended basic tier: the ones owned by the parent corporation.
- Cable companies will argue they are trying to save consumers money by not charging for channels that no one watches – but this does not pass the laugh test given the myriad of cable-owned programming that no one wants, but are forced to take.
- Cable also claims that local fans will have access to home team games, but that is only true if you live in the “home team” market.
- **Cable-subscribing Packers fans in the Madison, Wausau, La Crosse, Eau Claire, Minneapolis and Duluth media markets will not get to see the Packers play the Cowboys on November 29th.**
- Cable also claims they are trying to keep consumer costs down, but think about this: the NFL Network costs them two cents a day per subscriber – or roughly 60 cents a month – and they want to charge the same subscriber \$5 to \$10 a month. In other words, they want to pay “six-pack” prices to offer the NFL Network, and charge fans like it is a case of champagne.
- Lastly, they claim the NFL Network has small demand, and that they would be subsidizing programming for a select few at the expense of all other subscribers. This is totally preposterous. NFL programming is some of the most popular programming around. Nationwide in 2006, 222 million Americans tuned into the NFL. It consistently ranks as the top programming in markets

across the country, which can't be said of many of the programs the cable companies offer in their current basic package.

The solution is to have a neutral third party arbitrate those disputes.

- Where the cable operator is refusing to carry a channel, there must be a neutral dispute resolution to protect consumers because the self-interest of the cable operator will never result in a fair decision.
- Every year, the top-rated programs on cable are NFL games. Last year was no exception: of the top 20 rated programs on cable, 17 were NFL games. The NFLN, which carries this popular programming, is unable to be seen by subscribers to the largest cable systems because they are discriminating against the NFLN.
- The proposed legislation creates a dispute resolution mechanism.
- The bill creates a "baseball style" arbitration in which the neutral third party would choose between competing proposals for carriage.
- Arbitration is fast, cheap, and well understood by the parties. Cable operators would not face endless litigation, and consumers would have access to the networks they want.