



NATIONAL FOOTBALL LEAGUE

Jeffrey Pash
Executive Vice President

December 13, 2006

The Honorable Arlen Specter
Chairman
Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Specter:

During the Committee's hearing on November 14, 2006, you asked whether Commissioner Tagliabue ever told Comcast that it would not be allowed to bid on NFL Sunday Ticket. As you requested, I have examined this matter and am pleased to furnish this additional information.

Commissioner Tagliabue did not make any such statement at any time in connection with the negotiations for NFL Sunday Ticket carriage rights which occurred during the late summer and fall of 2004. In fact, when the NFL (through its corporate affiliate, NFL Enterprises) entered into a carriage agreement for the NFL Network with Comcast in August 2004, it agreed to provide post-game highlights via Comcast Video on Demand, along with other "non-traditional" video products (all of which were exclusive to Comcast within its service territories), precisely to give Comcast the opportunity to experience and appreciate the value of unique NFL content. Among other things, the League hoped that doing so would increase Comcast's level of interest in negotiating for NFL Sunday Ticket carriage rights. During 2004, Commissioner Tagliabue also met with Mr. Roberts on several occasions to encourage him to have Comcast recognize the value of NFL Sunday Ticket rights. Further, we committed to Comcast in its NFL Network agreement that the League would not enter into a long-term NFL Sunday Ticket carriage agreement before October 31, 2004, in order to allow Comcast time to negotiate for those carriage rights.

During the months of August, September, and October, 2004, NFL Enterprises engaged in numerous meetings and discussions with Comcast and a cable-industry consortium (In Demand) in which Comcast is a key participant to discuss licensing NFL Sunday Ticket distribution rights to the cable companies beginning with the 2006 season. Throughout this period, the NFL informed Comcast that it was also in discussions with DirecTV concerning an extension of its NFL Sunday Ticket distribution rights. In late October, Comcast – not the NFL – decided not to pursue further negotiations or discussions in light of its understanding of

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the financial and other commitments it likely would have to make to secure NFL Sunday Ticket rights. Shortly thereafter (on November 8, 2004), the NFL entered into an extension agreement for NFL Sunday Ticket with DirecTV, which agreement remains in place today.

Although Commissioner Tagliabue has no recollection of doing so (and we have no records indicating that he did so), it is conceivable that, in earlier 2002 renewal negotiations for the NFL Sunday Ticket package, Brian Roberts or another Comcast representative might have learned that the then-existing NFL broadcast agreements precluded distribution of NFL Sunday Ticket via cable. Indeed, CBS had specifically advised that it would not agree to our request to waive those provisions at that time. Those preclusions obviously did not apply in 2004, when the NFL Sunday Ticket renewal under negotiation was for seasons not covered by then-existing broadcast contracts.

Accordingly, it is unfounded and inaccurate to suggest that Commissioner Tagliabue – or anyone else at the NFL – has refused to allow Comcast to seek carriage rights for NFL Sunday Ticket.

I hope that this is responsive to your request and appreciate the opportunity to submit this additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Pash", with a stylized, flowing script.

Jeffrey Pash

cc: Honorable Patrick Leahy, Ranking Member