

United States Senate

WASHINGTON, DC 20510-2102

January 24, 2012

Mr. Edmund Ansin
President
Sunbeam Television
1401 79th Street Causeway
Miami, FL 33141

Mr. Michael D. White
Chairman, President and CEO
DIRECTV
2230 E. Imperial Highway
El Segundo, CA 90245

Dear Mr. Ansin and Mr. White:

Along with the rest of New England, I was thrilled when the New England Patriots won the AFC Championship and advanced to this year's Super Bowl – but I am deeply concerned that barring a successful outcome in your negotiations, hundreds of thousands of my constituents who subscribe to DIRECTV will not receive their local NBC station and will not be able to watch the Patriots battle the New York Giants in Super Bowl XLVI.

To alleviate the anxieties of so many Patriots fans, I strongly urge you both to issue a public statement that your current retransmission consent dispute will not include blacking out the Super Bowl. I want every bar owner and family in our region with a subscription to DIRECTV to know that they will not become collateral damage in a dispute leveraged up against the most important game of the NFL season, and with all that Tom Brady and Coach Belichick have on the line, the most important and historic live event of the year.

More than 200,000 DIRECTV customers in Greater Boston and surrounding areas have been cut off from Channels 7 and 56 for more than a week as a result of your stalemate. I am not taking sides on which of you is correct in your dispute. But I am siding with the families and small business owners who count on the television programming they pay to receive to be there when they most need it.

This is not the first retransmission consent dispute we have witnessed over the last few years and without fixes to the process, I expect it will not be the last. If past disputes in similar circumstances are any guide, you will likely reach some accommodation either a day or two before the game or on the day of the game itself to ensure that it airs. A blackout of the Super Bowl is almost unthinkable. You should make it clear that it will not happen or for the next two weeks, our constituents who are unfamiliar with this almost annual game of high-stakes corporate chicken will have to scramble to find another way to watch the game just in case this stalemate continues. That is not fair to them and it is unnecessary.

As Chairman of the Subcommittee in the Senate with jurisdiction over laws pertaining to the media, I have struggled for years to help regulators and the industry find the right balance between respecting the rights of private actors to negotiate a fair price for broadcast content against the recurring use of blackouts or threatened blackouts as a negotiation tactic. I have been

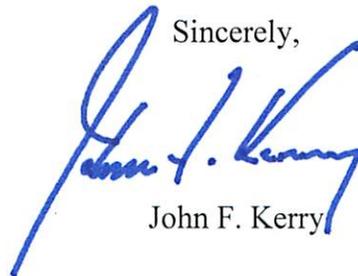
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told repeatedly that this is just the market working out a new normal in pricing and that public officials should ignore these disputes. But I share the public frustration that accompanies these corporate conflicts and do not believe that live events with significant audiences should be used as leverage points in negotiations. If people in Boston miss the Super Bowl this year because of this dispute, I can assure you that it will lead more and more people to throw up their hands and say, "a pox upon both of their houses." This is an outcome we can and should avoid.

There is a currently pending notice of proposed rulemaking on retransmission consent dispute resolution at the Federal Communications Commission and it is not your responsibility to change the law. I cannot force you to reach a resolution, but I can and will strongly urge you not to use the Super Bowl as leverage toward resolution and I will continue to work to urge the FCC to ensure that access to major live events for hundreds of thousands or millions of people not become a recurring tool for leverage in these negotiations.

Thank you in advance for your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read "John F. Kerry", is written over the typed name. The signature is fluid and cursive, with a large initial "J" and "K".

John F. Kerry