

United States Senate  
WASHINGTON, DC 20510

June 19, 2013

0631

Acting Chairwoman Mignon Clyburn  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: MB Docket No. 12-3

Dear Acting Chairwoman Clyburn:

The Federal Communications Commission (“Commission”) should move to a Notice of Public Rulemaking (“NPRM”) regarding the so-called Sports Blackout Rule. It has been over a year since the Commission initiated this docket as a Notice of Inquiry (“NOI”) to determine whether the rule remains in the public interest. The record includes thousands of comments from concerned sports fans around the nation; detailed legal arguments by non-profit public interest groups, professional sports leagues, and industry associations; and a white paper submitted by nine sports economists. Commenters have put forth a wide range of proposals, from maintaining the Sports Blackout Rule in its current form, to establishing a sunset and renewal process, to eliminating the rule altogether. With so much detailed information on the record from such a wide range of stakeholders, it is time for the Commission to take the next logical step and move to a NPRM.

While Congress can effect change on this issue, the record in this proceeding demonstrates that legislation is not the only way to address this issue. It is important to note that Congress never instructed the Commission to promulgate the Sports Blackout Rule in the first place. The Commission therefore possesses ample authority to amend the Sports Blackout Rule *sua sponte*, without any action by Congress. In light of this, we not only urge you to move this proceeding to the NPRM phase but request that such NPRM seek comment on what would serve the public interest, convenience, and necessity.

As such, we respectfully ask that you move to a NPRM regarding the so-called Sports Blackout Rule and utilize your existing authorities.

Sincerely,

  
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John McCain  
United States Senator

  
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Richard Blumenthal  
United States Senator