

Congress of the United States

Washington, DC 20515

April 6, 2026

The Honorable Brendan Carr
Chair
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Chairman Carr,

In response to the Federal Communications Commission’s (FCC) Media Bureau’s request for public comment on current and emerging trends in the distribution of live sports programming (MB Docket No. 26-45), we write to share with you our concerns about how recent changes in the marketplace have increased costs for viewers while affecting their ability to watch nationally televised live sports, and their local teams, on broadcast or cable television, or via streaming.

It is true that “watching your favorite sports team play is not as easy these days,”¹ thanks in part to growing trends in the sports streaming marketplace. Spurred by anticompetitive practices and corporate greed, viewers have been forced to “[sign] up for yet another expensive streaming service,”² or pay more year-over-year for current subscriptions, a common industry practice known as “streamflation.”³ At times, viewers may sign on to their streaming service of choice or click on their television set only to find that a messy carriage dispute⁴ or blackout⁵ prevents them from watching their favorite team or athlete compete. Moreover, viewers are increasingly “confused” as more and more media companies “[look] for their piece of the TV rights pie,”⁶ with “many sporting events...previously available through free broadcast and traditional pay-TV

¹ FCC, “FCC’s Media Bureau Seeks Comment On Sports Broadcasting Practices And Marketplace Developments: MB Docket No. 26-45,” February 25, 2026, p. 1, <https://docs.fcc.gov/public/attachments/DA-26-188A1.pdf>.

² Representative Pat Ryan, “Congressman Blasts NFL, NBC for Greedy Bait-And-Switch Scheme: ‘We Already Pay for NBC, Let Us Watch the Damn Game!’,” press release, January 12, 2024, <https://patryan.house.gov/media/press-releases/congressman-pat-ryan-blasts-nfl-nbc-greedy-bait-and-switch-scheme-we-already>.

³ The Wall Street Journal, “Streamflation is Here and Media Companies Are Betting You’ll Pay Up,” Robbie Whelan, Joe Flint, and Nate Rattner, August 15, 2023, https://www.wsj.com/business/media/disney-max-hulu-netflix-streaming-price-2c3bac2a?reflink=destopwebshare_permalink.

⁴ CNBC, “Disney channels go dark on YouTube TV as carriage deal expires,” Dylan Butts, October 31, 2025, <https://www.cnbc.com/2025/10/31/disney-content-to-go-dark-on-youtubetv-amid-contract-dispute-.html>; Variety, “Disney Networks Including ESPN, ABC Go Dark on Dish and Sling TV Amid Carriage Dispute,” Todd Splanger, October 1, 2022, <https://variety.com/2022/tv/news/dish-blackout-disney-espn-abc-carriage-dispute-1235390175/>;

⁵ Representative Pat Ryan, “Congressman Pat Ryan Demands Investigation Into Sports Blackouts, Decries Double Whammy Ripping Off Sports Fans Across the Country,” press release, October 31, 2023, <https://patryan.house.gov/media/press-releases/congressman-pat-ryan-demands-investigation-sports-blackouts-decries-double>.

⁶ Fox News, “Broadcaster Tim Brando suggests sports fans get confused where to watch games as streaming takes over,” Scott Thompson, March 18, 2026, <https://www.foxnews.com/sports/broadcaster-tim-brando-suggests-sports-fans-get-confused-where-watch-games-streaming-takes-over>.

packages...[now] only available through a myriad of stand-alone subscription streaming services.”⁷

The National Football League (NFL), the most popular sporting league in the country, is “scattered across...10 different TV networks and streaming services,” costing the average viewer at least \$630 a season to watch in-market and national games,⁸ with some spending nearly \$800.⁹ The National Basketball Association (NBA) and Major League Baseball (MLB) are equally complex to navigate, and there is no indication that this trend will abate¹⁰ as content providers, broadcasters, and streaming companies vertically integrate in a bid to control content from creation to production to consumption.¹¹ We encourage the Commission to closely examine the trends that have directly contributed to the current state of sports streaming. In the comment below, we highlight concerning industry behavior that we have previously raised via oversight letters and in other forums.

Disney’s Acquisition of Fubo Has Decreased Competition in the Sports Streaming Market, Giving Viewers Fewer Options and Higher Prices.

Disney’s subsidiary ESPN, hailed as “the worldwide sports leader,”¹² is the dominant sports network, with more than one-third of all sports viewing in 2025.¹³ In Q4 of 2025 alone, Disney reported nearly \$5 billion in revenue from its vast sports portfolio.¹⁴

In August 2024, we wrote to the Department of Justice (DOJ) and the FCC, expressing concerns about a proposed joint venture (JV) between Fox, Warner Bros. Discovery, and Disney subsidiary ESPN, named Venu Sports (Venu).¹⁵ Reporting suggested that the venture would have controlled more than 80% of nationally broadcast sports and more than half of all national sports

⁷ FCC, “FCC’s Media Bureau Seeks Comment On Sports Broadcasting Practices And Marketplace Developments: MB Docket No. 26-45,” February 25, 2026, p. 3, <https://docs.fcc.gov/public/attachments/DA-26-188A1.pdf>.

⁸ The Atlantic, “Why Can’t I Just Watch Sports on Television?,” Stephanie Hayes, November 15, 2025, <https://www.theatlantic.com/ideas/2025/11/sports-streaming-services-basketball/684933/>.

⁹ Fox News, “Broadcaster Tim Brando suggests sports fans get confused where to watch games as streaming takes over,” Scott Thompson, March 18, 2026, <https://www.foxnews.com/sports/broadcaster-tim-brando-suggests-sports-fans-get-confused-where-watch-games-streaming-takes-over>.

¹⁰ Forbes, “Hollywood Huddle: Media Companies Headed to Bundles, M&A In 2024,” David Bloom, December 27, 2023, <https://www.forbes.com/sites/dbloom/2023/12/26/hollywood-huddle-media-companies-headed-to-bundles-ma-in-2024/>.

¹¹ Promarket, “How Monopolies are Making TV Worse,” G. Vaughn Joy, November 10, 2023, <https://www.promarket.org/2023/11/10/how-monopolies-are-making-tv-worse/>.

¹² EBSCO, “ESPN Inc.,” Richard Sheposh, 2024, <https://www.ebsco.com/research-starters/sports-and-leisure/espn-inc>.

¹³ ESPN Press Room, “In 2025, fans power ESPN and ‘ESPN on ABC’ to its most-watched year in over a decade,” Andy Hall, January 7, 2026, <https://espnpressroom.com/us/press-releases/2026/01/in-2025-fans-power-espn-and-espn-on-abc-to-its-most-watched-year-in-over-a-decade/>.

¹⁴ Forbes, “Rising Sports Media Rights Costs Create Long-Term Questions For Disney,” John Cassillo, February 3, 2026, <https://www.forbes.com/sites/johncassillo/2026/02/03/rising-sports-media-rights-costs-create-long-term-disney-questions/>.

¹⁵ Letter from Senator Elizabeth Warren to former Assistant Attorney General Jonathan Kanter and former Federal Communications Chair Jessica Rosenworcel, August 6, 2024, https://www.warren.senate.gov/imo/media/doc/warren_castro_letter_to_doj_and_fcc_re_sports_streaming_jv.pdf.

content, putting it in a position to exercise monopoly power over televised sports.¹⁶ Using its extensive control of sports licensing rights, Fox, Disney, and Warner Bros. would have been able to exert joint control over live sports from distribution through broadcast. In addition to horizontally integrating across the sports licensing market, the proposed JV would have vertically integrated the sports streaming market by jointly offering a new distribution platform for the licensed content controlled by these companies. The proposed structure presented the companies with a clear financial incentive to preference their own streaming platform over alternative sports streaming providers in licensing and bundling deals.¹⁷

In response, Fubo—a sports-first live TV streaming platform—filed a lawsuit to block the Venu JV, arguing that the initiative violated U.S. antitrust law,¹⁸ characterizing Disney as the “final boss you must defeat after beating out all other media companies.”¹⁹ In August 2024, a federal judge issued a preliminary injunction to block the launch of Venu, finding that the JV would allow Disney and the other defendants to “substantially lessen competition and restrain trade” in violation of federal antitrust law.²⁰

But in a surprising turn of events, and before the lawsuit could reach the merits stage, Disney announced its acquisition of Fubo in January 2025, which allowed the sports media giant to end the lawsuit, knock out a competitor, and grow its sports streaming dominance even more, significantly decreasing competition in the vMVPD market, while strengthening its ability to raise prices, hurting viewers and competitors.²¹

The Recent Deal Between Disney/ESPN And the NFL Harms Competitors and Gives the Sports Media Giant an Incentive to Raise Prices for Viewers.

In September 2025, we raised concerns about an August 2025 deal between Disney/ESPN and the NFL, which threatens to further entrench ESPN’s dominance over competitors in sports distribution.²²

¹⁶ IndieWire, “A Running List of Everyone Who Already Hates the Disney, Fox, and WBD Sports-Streaming Service,” Tony Maglio, February 21, 2024, <https://www.indiewire.com/news/analysis/who-hates-the-disney-foxwbd-sports-streaming-service-1234955403/>; The Wall Street Journal, “Why Three Media Giants Made a Hail Mary Bet on Sports Streaming,” Joe Flint, Jessica Toonkel, Isabella Simonetti, February 11, 2024, <https://www.wsj.com/business/media/disney-fox-warner-blitz-to-figure-out-sports-streaming-b5b8d8a9>.

¹⁷ Letter from Senator Elizabeth Warren to former Assistant Attorney General Jonathan Kanter and former Federal Communications Chair Jessica Rosenworcel, August 6, 2024, https://www.warren.senate.gov/imo/media/doc/warren_castro_letter_to_doj_and_fcc_re_sports_streaming_jv.pdf.

¹⁸ Complaint, *fuboTV Inc., et al. v. The Walt Disney Company, et al.*, 24-cv-01363-MMG, (S.D.N.Y. 2024); Front Office Sports, “Disney Buys Fubo, Killing Venu Lawsuit,” Eric Fisher, January 6, 2025, <https://frontofficesports.com/disney-buys-fubo-killing-venu-lawsuit/>.

¹⁹ Complaint, *fuboTV Inc., et al. v. The Walt Disney Company, et al.*, 24-cv-01363-MMG, (S.D.N.Y. 2024), p.15.

²⁰ Law360, “FuboTV Scores Injunction Blocking Streaming Venture Launch,” Nadia Dreid, August 16, 2024, <https://www.law360.com/articles/1870884/fubotv-scores-injunction-blocking-streaming-venture-launch>.

²¹ Fubo, “Fubo and Disney’s Hulu + Live TV Virtual MVPD Businesses to Combine,” press release, January 6, 2025, <https://ir.fubo.tv/news/news-details/2025/Fubo-and-Disneys-Hulu/default.aspx>; Letter from Senator Elizabeth Warren to DOJ, February 19, 2025, https://www.warren.senate.gov/imo/media/doc/warren_letter_to_doj_antitrust_on_disney_fubo_acquisition.pdf.

²² Letter from Senator Elizabeth Warren, et al. to the NFL, ESPN, Disney, and the MLB, September 23, 2025, https://www.warren.senate.gov/imo/media/doc/mlb_deals.pdf; Reuters, “Disney’s ESPN to acquire NFL media assets in major deal,” Dawn Chmielewski and Lisa Richwine, August 6, 2025, <https://www.reuters.com/business>

Pursuant to the deal—reportedly worth up to \$3 billion—ESPN would acquire the NFL Network—a football-focused pay-TV network owned by the NFL that distributes certain NFL games as well as the NFL RedZone channel—and several other NFL media assets, including ESPN Fantasy competitor NFL Fantasy, the League’s fantasy football league.²³ The deal would also grant ESPN the rights to distribute the NFL RedZone, a live TV feed that provides whip-around coverage of Sunday football games, to satellite and cable TV customers.²⁴ In exchange, “the NFL will acquire a 10% interest in ESPN.”²⁵

Disney already plays an outsized role in the distribution of sports content via broadcast, MVPDs, vMVPDs, and direct-to-consumer streaming options. The NFL, in turn, controls the rights to the most valuable portfolio of live sports entertainment in the country.²⁶ By consolidating the production, operation, and distribution of the NFL Network under ESPN, while simultaneously granting the NFL a 10% stake in ESPN itself, the deal raises concerns of conflicts of interest and potentially disadvantages competing networks, streaming competitors, and distributors. The deal would likely harm ESPN’s competitors, who could find it challenging to compete for rights to NFL games, ultimately resulting in higher prices and fewer choices for viewers if disadvantaged competitors subsequently fail.²⁷ In addition, the NFL’s stake in ESPN raises concerns that ESPN may prefer its part-owner over other sports leagues, offering the NFL more advantageous terms, pricing, or time slots for games, to the detriment of other leagues competing for viewers’ time and dollars.

The deal’s stipulation that ESPN gain the rights to “distribute RedZone and certain RedZone trademarks”²⁸ could also cause harm to competition, with other distributors of NFL games already concerned that this could present “a potential threat to their own coverage of games.”²⁹ Another notable example of harmful anticompetitive behavior can be seen in ESPN’s absorption of NFL Fantasy into ESPN Fantasy,³⁰ knocking out the sports media giant’s primary fantasy football competitor, allowing it to corner the market and limit options for fans. The fantasy sports industry was valued at \$24.2 billion in 2023 and is projected to grow to \$60 billion by 2030.³¹ The consolidation of two competitors concentrates market share and power with ESPN, to the detriment of fans and competitors.³²

</media-telecom/disneys-espn-acquire-nfl-media-assets-majordeal-2025-08-06/>.

²³ *Id.*

²⁴ *Id.*

²⁵ Letter from Walt Disney Company to Senator Elizabeth Warren, et al. [On file with the Office of Senator Warren].

²⁶ Forbes, “The Worlds 50 Most Valuable Sports Teams 2025,”

<https://www.forbes.com/sites/brettknight/2025/12/18/the-worlds-50-most-valuable-sports-teams-2025/>.

²⁷ Reuters, “ESPN-NFL deal faces regulatory hurdles,” Jody Godoy and Dawn Chmielewski, August 7, 2025,

<https://www.reuters.com/legal/litigation/espn-nfl-deal-faces-regulatory-hurdles-2025-08-07/>.

²⁸ Letter from Walt Disney Company to Senator Elizabeth Warren, et al. [On file with the Office of Senator Warren].

²⁹ The Weekly Yield, “NFL 10% Stake in Disney’s ESPN,” David Reid Garces, August 8, 2025,

<https://www.theweeklyyield.com/p/nfl-10-stake-in-disneys-espn>.

³⁰ The Walt Disney Company, “ESPN to Acquire NFL Network and Other Media Assets from the NFL in Exchange for a 10% Equity Stake in ESPN,” August 5, 2025, <https://thewaltdisneycompany.com/espn-nfl-agreement/>.

³¹ YahooFinance, “Fantasy Sports Business Analysis Report 2024-2030: Technological Advancements in AR and VR, & Rising Demand for Interactive and Engaging Fan Experiences Spurs Growth,” October 24, 2024, <https://finance.yahoo.com/news/fantasy-sports-business-analysis-report-154500108.html>.

ESPN's New Arrangement with MLB.TV Could Raise Prices and Reduce Access for Baseball Fans

MLB and ESPN agreed to a new multi-year deal late last year, raising additional concerns about a lack of competition that could lead to the entities limiting fans' access to the games they want to watch on television or via streaming, while increasing the overall cost for access to those games.³³ The new deal would fold MLB.TV, MLB's "coveted"³⁴ out-of-market platform, into ESPN's new direct-to-consumer streaming service, allowing ESPN to "produce and broadcast thirty nationally distributed MLB regular season games,"³⁵ and would give ESPN "exclusive, local in-market streaming rights" for six MLB Clubs over the next three years.³⁶ This arrangement would give ESPN "significant options to bundle with its larger suite of broadcast inventory,"³⁷ raising concerns about the sports media giant's continued consolidation. Furthermore, per information provided in response to a congressional request for information on ESPN and MLB's new agreement, ESPN, not MLB, "will determine" the retail price for MLB.TV, requiring new MLB.TV subscribers to sign up for the service through ESPN's own platform.³⁸ Notably, ESPN has not committed to keeping the price of MLB.TV the same for existing subscribers past the 2026 season.³⁹ The anti-competitive nature of ESPN and MLB's new deal raises serious concerns about potential downstream effects on consumers and competitors. In 2026, the first season after signing the deal, ESPN became the exclusive distributor of MLB.TV, integrating it into the ESPN App, and bundling it with its ESPN Unlimited product.⁴⁰ Concerns about this deal are further exacerbated by reports that it could grow even larger, with speculation that "[t]he ESPNMLB deal could eventually include MLB Network."⁴¹

³² YahooSports, "Comparing Yahoo, ESPN fantasy football rankings for 2025 to find sleepers, busts," Vinnie Iyer, August 15, 2025, <https://ca.sports.yahoo.com/news/comparing-yahoo-espn-fantasy-football-172059278.html>.

³³ Awful Announcing, "The timeline of MLB and ESPN's long, slow breakup," Matt Yoder, February 27, 2025, <https://awfulannouncing.com/espn/the-timeline-of-mlb-and-espns-long-slow-breakup.html>.

³⁴ Sports Business Journal, "ESPN Starts distributing MLB.tv as it begins new phase of media deal," February 20, 2026, <https://www.sportsbusinessjournal.com/Articles/2026/02/20/espn-starts-distributing-mlbtv-as-it-begins-new-phase-of-media-deal/>.

³⁵ Letter from MLB to Senator Elizabeth Warren, et al. [On file with the Office of Senator Warren].

³⁶ ESPN Pressroom, "ESPN, Major League Baseball reach innovative new agreement featuring significant collection of national and local rights," Alex Fuez, November 19, 2025, <https://www.espnpressroom.com/us/press-releases/2025/11/espn-major-league-baseball-reach-innovative-new-agreement-featuring-significant-collection-of-national-and-local-rights/>.

³⁷ USA Today, "How fans watch MLB is about to change dramatically. Here's what to know," Gabe Lacques, November 19, 2025, <https://www.usatoday.com/story/sports/mlb/2025/11/19/mlb-tv-espn-deal-netflix-nbc/87355176007/>.

³⁸ Letter from MLB to Senator Elizabeth Warren, et al. [On file with the Office of Senator Warren].

³⁹ Letter from Walt Disney Company to Senator Elizabeth Warren, et al. [On file with the Office of Senator Warren].

⁴⁰ MLB, "Stream MLB.TV Now On ESPN.," <https://www.mlb.com/live-stream-games/partners/espn>.

⁴¹ The Athletic, "MLB, ESPN have agreement for network to sell all out-of-market and some in-market games: Sources," Andrew Marchand, August 21, 2025, <https://www.nytimes.com/athletic/6567327/2025/08/21/mlb-espn-exclusive-out-of-market-digital/>.

Forced Bundling Has Inflated Streaming Prices and Has Forced Viewers to Pay for Services they Do Not Want

For viewers, the consolidation of the sports streaming market into “bundles,” or the “packaging of two or more digital services or subscriptions into a single, combined offer,”⁴² has also led to higher prices and fewer choices. A study of cable television found that when companies with concentrated market power bundle their products, they can extract higher profits from consumers as “bundling requires [consumers] to purchase unwanted channels, to the benefit of firms.”⁴³

Distributors and subscribers alike have accused Disney of “violat[ing] antitrust laws,”⁴⁴ attempting to “monopolize the market for live sports distribution by leveraging its ‘staggering’ control over premium sports rights—including major NFL and NBA events like the Super Bowl and NBA Finals—to impose strict bundling requirements.”⁴⁵ In court filings earlier this year, some distributors accused Disney of “creat[ing] a distribution platform at the expense of its own distributors (and their customers).”⁴⁶ In March 2026, Disney settled with a group of subscribers who claimed that the sports media giant violated both antitrust and consumer protection laws by “engaging in various forms of conduct to fix, raise, maintain, or stabilize the prices of Streaming Live Pay Television (‘SLPTV’).”⁴⁷ Ultimately, these types of arrangements can limit cheaper, more flexible offerings for viewers.

Conclusion

For sports fans, the cost of watching live sports on television or via streaming becomes more expensive every year, and the options for tuning in become even more complicated. Our work on these matters has revealed that mergers involving already-dominant distributors, streamers, and sports leagues themselves threaten to make matters worse, leaving viewers spending more and more money to watch the sports they care about.⁴⁸

The FCC has broad authority to promote competition and protect against consolidation in media, and Congress has previously specifically directed the Commission to act to promote “vigorous economic competition, technological advancement, and promotion of the public interest, convenience, and necessity.”⁴⁹ The FCC also has a duty to review certain transactions to ensure

⁴² Bango, “Why subscription bundling is the ultimate sales promotion tactic,” Giles Tongue, May 1, 2025, <https://bango.com/why-subscription-bundling-is-the-ultimate-sales-promotion-tactic/>.

⁴³ Quantitative Marketing and Economics, “The discriminatory incentive to bundle in the cable television industry,” Gregory Crawford, September 26, 2007, p. 69, <https://doi.org/10.1007/s11129-007-9031-7>.

⁴⁴ The Street, “Disney settles major lawsuit over costly streaming packages,” Mehab Qureshi, March 19, 2026, <https://www.thestreet.com/crypto/disney-settles-major-lawsuit-over-costly-streaming-packages>.

⁴⁵ Front Office Sports, “Dish Says Disney Is Abusing Monopoly Power Over Skinny Sports Bundles,” Ben Horney, January 6, 2026, <https://frontofficesports.com/espn-dish-disney-countersuit/>.

⁴⁶ *Id.*

⁴⁷ The Street, “Disney settles major lawsuit over costly streaming packages,” Mehab Qureshi, March 19, 2026, <https://www.thestreet.com/crypto/disney-settles-major-lawsuit-over-costly-streaming-packages>.

⁴⁸ Letter from Senator Elizabeth Warren to DOJ and FCC, August 7, 2024, https://www.warren.senate.gov/imo/media/doc/warren_castro_letter_to_doj_and_fcc_re_sports_streaming_iv.pdf; Forbes, “Streaming Trends for 2024: 44% Report Streaming Costs Increasing Over the Last Year,” Emily Glover, November 11, 2025, <https://www.forbes.com/home-improvement/internet/streaming-survey/>.

⁴⁹ 47 U.S.C. 257(b).

that they will serve the “public interest, convenience, and necessity.”⁵⁰ The Supreme Court has recognized that the Commission’s authority “covers new and rapidly developing fields, and its rules address “public protection against . . . consolidation.”⁵¹ To promote competition in sports media in support of the public interest, we encourage the Commission to act to protect sports fans from growing consolidation.

Sincerely,



Elizabeth Warren
United States Senator



Patrick Ryan
Member of Congress

⁵⁰ 47 U.S.C. 214(a) & 310(d).

⁵¹ U.S. v. Storer Broadcasting Co., 351 U.S. 192, 203 (1956).