

Congress of the United States

Washington, DC 20515

September 23, 2025

Mr. Robert Iger
Chief Executive Officer
The Walt Disney Company
500 South Buena Vista St
Burbank, CA 91521

Mr. James Pitaro
Chairman
ESPN
935 Middle St
Bristol, CT 06010

Mr. Roger Goodell
Commissioner
National Football League
345 Park Avenue, Fifth Floor
New York, NY 10154

Mr. Robert Manfred
Commissioner
Major League Baseball
1271 Avenue of the Americas
New York, NY 10020

Dear Mr. Iger, Mr. Pitaro, Commissioner Goodell, and Commissioner Manfred,

We write to you today regarding ESPN's recent efforts to consolidate distribution rights related to the NFL Network and MLB.TV and the National Football League's (NFL, the League) acquisition of a 10% stake in ESPN.¹ The agreements between ESPN, the NFL, and Major League Baseball (MLB) that have recently become public raise serious concerns and could entrench ESPN's dominance over competitors in sports distribution. As prices rise across the board, including for cable and satellite TV and streaming services, sports fans should not be forced to pay more or jump through more hoops to watch their favorite team. We are concerned that these new deals could hurt consumers by disadvantaging competitors, limiting choices, raising prices for viewers, and creating potential conflicts of interest.

ESPN's Takeover of the NFL Network Threatens Competitors, Could Raise Prices for Viewers, and Damage Sports Journalism

Last month, ESPN, "the worldwide sports leader,"² and the NFL announced a deal reportedly worth up to \$3 billion pursuant to which the sports media giant 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.³ The deal would also grant ESPN the rights to distribute the NFL RedZone, a live TV feed that provides whip-around

¹ 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/media-telecom/disneys-espn-acquire-nfl-media-assets-major-deal-2025-08-06/>.

² EBSCO, "ESPN Inc.," Richard Sheposh, 2024, <https://www.ebsco.com/research-starters/sports-and-leisure/espn-inc>.

³ 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/media-telecom/disneys-espn-acquire-nfl-media-assets-major-deal-2025-08-06/>.

coverage of Sunday football games, to satellite and cable TV customers.⁴ In exchange for these “key media assets,” the NFL would acquire a 10% stake in ESPN.⁵

The deal raises significant concerns from the point of view of ESPN’s distributor competitors, viewers, and NFL stakeholders, including players. First, the deal’s proposal to make the NFL a part-owner of ESPN gives the NFL an incentive to grant ESPN anticompetitive preferential treatment over other distribution partners.⁶ This would likely harm ESPN’s competitors, who could find it challenging to compete, ultimately resulting in higher prices and fewer choices for viewers if disadvantaged competitors subsequently fail. Experts have noted that the deal “‘surely raises competition concerns’ because it could potentially give Disney—ESPN’s parent company—greater control over televised sports carriage and reduce competition.”⁷ 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.

Second, ESPN adding NFL Network distribution rights to its already significant distribution catalog entrenches its prominent position in sports distribution to the detriment of its competing distributors. This deal could make it more difficult for ESPN’s rivals to compete with the sports distribution giant and could likewise lead to higher prices and fewer choices for viewers.

Third, distributors of NFL games are already concerned that ESPN taking over pay TV distribution of NFL RedZone could present “a potential threat to their own coverage of games.”⁸ Distributors who have paid for distribution rights to football games could reasonably worry they may lose viewership to ESPN’s RedZone—NFL RedZone currently reaches fewer than 10 million homes, and if ESPN expands its reach, distributors could perceive the move as undercutting their rights.⁹ Additionally, if approved, this deal could lay the foundation for ESPN to develop RedZone-type streams for other sports, which could cut into other distributors’ coverage of games.¹⁰

Fourth, the NFL’s partial ownership of ESPN could hurt sports fans and players by impacting ESPN’s coverage of NFL news. Aside from its role as a distributor of sports content, ESPN is an important source of sports-related news, and its staff of reporters, investigative journalists, and analysts covers breaking news stories and provides in-depth analysis across leagues.¹¹ Over the

⁴ 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/media-telecom/disneys-espn-acquire-nfl-media-assets-major-deal-2025-08-06/>.

⁵ Wall Street Journal, “The NFL Is Taking a 10% Stake in Disney’s ESPN,” Joe Flint and Isabella Simonetti, August 5, 2025, <https://www.wsj.com/business/media/the-nfl-is-taking-a-10-stake-in-disneys-espn-158acff5>.

⁶ *Id.*

⁷ 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/>.

⁸ 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>.

⁹ *Id.*

¹⁰ MSN, “The NFL Is Taking a 10% Stake in Disney’s ESPN,” Joe Flint and Isabella Simonetti, <https://www.msn.com/en-us/sports/nfl/the-nfl-is-taking-a-10-stake-in-disney-s-espn/ar-AA1JYsHf>.

¹¹ ESPN Press Room, “Bios: Commentators, Executives and Others” 2025, <https://espnpressroom.com/us/bios/>; ESPN Press Room, “ESPN, Inc. Fact Sheet,” 2025, <https://espnpressroom.com/us/espn-inc-fact-sheet/>.

years, ESPN and affiliated reporters have served the public interest by reporting on developing stories and, at times, covering scandalous behavior in professional sports.¹² Earlier this year, ESPN contributors reported on a previously undisclosed agreement between the NFL and the NFL Players Association (NFLPA) to conceal from players findings related to a lawsuit accusing the League and team owners of colluding to keep player wages low.¹³ ESPN also reported on a jury's finding that the NFL unlawfully inflated the sale of a package of Sunday games,¹⁴ before a judge overturned the verdict.¹⁵ The ESPN-NFL deal raises concerns regarding whether reporters and journalists would be under pressure from ESPN executives or their new part-owner regarding coverage of this \$400+ billion industry.¹⁶ Truncated reporting could negatively affect the public as well as League players and other industry stakeholders whose interests are tied up in decisions the leagues make. Alarmingly, ESPN executives have suggested that the sports media giant is open to replicating these types of "unconventional" equity deals with other sports leagues, laying out a blueprint for future consolidation and consumer harm.¹⁷

Finally, ESPN's proposed absorption of NFL Fantasy into ESPN Fantasy¹⁸ knocks out an ESPN Fantasy competitor and reduces options for participants in fantasy sports leagues. The fantasy sports industry is currently valued at \$24.2 billion in 2023 and projected to grow to more than \$60 billion by 2030.¹⁹ The consolidation of two competitors concentrates market share and power with ESPN, to the detriment of ESPN's competitors.²⁰

ESPN's Deal to Distribute MLB.TV Could Raise Prices and Reduce Access for Baseball Fans

On August 21, 2025, reports surfaced that ESPN and MLB had reached a framework agreement to fold MLB.TV into ESPN's new direct-to-consumer service, giving ESPN "exclusive rights to sell all out-of-market regular-season games digitally and in-market games for five clubs over the next three years."²¹

¹² ESPN Press Room, "Overview," <https://espnpressroom.com/us/overview/>.

¹³ ESPN, "Sources: NFLPA, NFL agreed to keep collusion findings secret," Don Van Natta Jr. and Kalyn Kahler, July 9, 2025, https://www.espn.com/nfl/story/_/id/45703132/nflpa-nfl-agreed-keep-collusion-findings-secret.

¹⁴ ESPN, "Jury rules NFL violated antitrust laws in 'Sunday Ticket' case," Kevin Seifert and The Associated Press, June 27, 2024, https://www.espn.com/nfl/story/_/id/40447020/jury-rules-nfl-violated-antitrust-laws-sunday-ticket-case.

¹⁵ ESPN, "Judge rules for NFL, overturns \$4.7B 'Sunday Ticket' verdict," August 1, 2024, https://www.espn.com/nfl/story/_/id/40702839/judge-rules-nfl-overturns-47b-sunday-ticket-verdict.

¹⁶ Kearney, "From passion to profit; unlocking value in sports," Christophe Firth, Greg Portell, Mohamed Hashem and David Parkin, June 20, 2025, <https://www.kearney.com/industry/media/article/from-passion-to-profit-unlocking-value-in-sports>.

¹⁷ Axios, "Exclusive: ESPN open to considering other equity deals," Christine Wang, September 18, 2025, <https://www.axios.com/2025/09/18/espn-sports-leagues>.

¹⁸ 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/>.

¹⁹ 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>.

²⁰ 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>.

²¹ 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/>.

Although details of the deal remain uncertain, this second tie-up between ESPN and another sports behemoth raises concerns about consumer protection and competition. For example, ESPN could make it more difficult and more expensive for current cable or other linear MLB.TV subscribers to watch games.²² ESPN could force fans to subscribe to the ESPN media ecosystem in order to access games and charge an additional price to watch local teams' games:

It is not fully clear yet if out-of-market subscribers who pay for the package through cable or other linear subscription would still be able to receive MLB.TV that way. For digital consumers, fans are likely to need an ESPN direct-to-consumer subscription to go along with MLB.TV.²³

Reports also indicate that this deal could grow even larger, with speculation that “[t]he ESPN-MLB deal could eventually include MLB Network.”²⁴

ESPN’s Flurry of Deals Creates Serious Competition Concerns

Together, ESPN’s deals with the NFL and the MLB would give the sports media giant new degrees of control over the distribution of sports via pay TV and streaming services for two of the most profitable sports leagues in the country. We have serious concerns that fans and competitors will suffer as a result. Reports suggest the Justice Department will “conduct a substantive review” of the deal, potentially lasting as long as a year.²⁵ To better understand how ESPN’s potential agreements with the NFL and MLB will affect viewers and competitors, we ask that you respond to the following questions by October 08, 2025:

1. How will the NFL safeguard against preferential treatment for ESPN compared to competing distributors?
 - a. Will the NFL offer its games for distribution to other competitors under the same terms and conditions that it offers them to ESPN?
2. How will ESPN safeguard against preferential treatment for the NFL compared to other leagues competing for viewers’ attention?
 - a. Will ESPN offer leagues similar distribution terms and conditions as it will offer to the NFL?
3. Will MLB.TV continue to be available as a standalone product, or will ESPN force fans to have an ESPN subscription in order to subscribe to MLB.TV?
 - a. If the latter, would viewers be required to have a free subscription or a paid subscription? If paid, how much would the subscription(s) cost?
 - b. If viewers are required to have an ESPN subscription, would viewers be required to pay for MLB.TV, in addition to the ESPN subscription?
4. How will the distribution of RedZone change, and when?
5. Will current viewers of RedZone be able to watch RedZone in the same way and for the same price as they currently do?

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ 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/>.

6. How will ESPN address concerns that its RedZone distribution could disadvantage competitors with rights to distribute NFL games?
 - a. Will ESPN establish RedZone-type channels for other sports leagues?
 - b. What criteria will ESPN use to determine which sports leagues it will develop RedZone-type channels for?
 - c. How will ESPN prevent its distribution of RedZone-type channels for other sports leagues from infringing on the distribution rights of competitors?
7. Until this season, RedZone was commercial-free. But earlier this month, RedZone host Scott Hanson indicated that the stream would now feature commercials in the 2025 season.²⁶
 - a. Why did the NFL choose to include commercials in RedZone for the coming season?
 - b. Did NFL officials discuss this matter at any time with ESPN officials? If so, what was the nature of these discussions?
8. If ESPN's agreements with the NFL and MLB move forward:
 - a. How many regular season and playoff games in the next season would ESPN control the distribution of in each major sports league?
 - b. What percentage of regular season and playoff games in each major sports league would that represent?
 - c. What percentage of regular season and playoff games would ESPN's next largest competitor control?
9. Will ESPN alter or attempt to alter existing agreements with distributors involving the distribution of MLB.TV? In what way?
10. If the deals with the NFL and MLB are completed:
 - a. Will viewers of NFL games see their costs rise for substantially the same content?
 - b. Will viewers of MLB games see their costs rise for substantially the same content?
11. For each proposed deal, has ESPN provided the Department of Justice the notification and information requisite under the Hart-Scott-Rodino Antitrust Improvements Act? If so, on what date was this notification provided, and on what date does ESPN anticipate the 30-day waiting period will close?
12. What steps will ESPN take to prevent conflicts of interest and preserve the journalistic independence of its reporters and commentators?
 - a. Specifically, how will ESPN ensure the fair coverage of the NFL and related news?
 - b. Will ESPN require journalists and commentators to include a disclaimer in any NFL coverage that the NFL is a part-owner of ESPN?

Sincerely,

²⁶ The Athletic, "NFL RedZone host Scott Hanson confirms broadcast will feature commercials this season," Amos Morale III and Richard Deitsch, September 3, 2025, <https://www.nytimes.com/athletic/6595714/2025/09/03/nfl-redzone-host-broadcast-will-feature-commercials-this-season/>.



Elizabeth Warren
United States Senator



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Joaquin Castro
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