

# CABLE

## WGN-TV TAKES NBA TO COURT OVER SUPERSTATION RULE

*Station claims league's limit on number of games is antitrust violation*

**O**n Dec. 10 a federal judge in Chicago will begin to hear arguments that the National Basketball Association's new rule limiting the number of NBA games allowed to be telecast via cable superstations violates antitrust law.

Judge Hubert Will of the U.S. District Court for the Northern District of Illinois, Eastern Division, has given the NBA until Nov. 17 to file responses to a complaint and request a preliminary injunction against implementation of the superstation rule, filed by WGN-TV Chicago licensee WGN Continental Broadcasting Co., and Chicago Professional Sports Limited Partnership, owner of the

Chicago Bulls NBA franchise, said David Hiller, general counsel for WGN owner, the Tribune Co.

The Bulls and WGN signed a new 1989-91 rights agreement in September 1989 that calls for 25 games per season and is renewable through the 1993-94 season by the decision of either party. But last April, the NBA's board of governors, over the objection of the Bulls, adopted a rule reducing from 25 to 20 the number of games allowed on a local signal that is received outside the team's local market by more than 5% of U.S. cable subscribers. In October, the board rejected a Bulls appeal to put the new

limit on hold until further consideration.

The NBA Commissioner's stated intention in proposing the reduction, said the complaint, was to "phase out such superstations telecasts entirely in increments of five games each year over the next five years."

The suit represents the latest battle between professional sports and superstations. Earlier this year, the FCC issued a request for comments on Major League Baseball's request that games distributed via superstations be blacked out where local broadcasters televise the same games, subject to syndicated exclusivity rules.

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### THE NUMBERS ON FNN

**F**NN and Nielsen sources corrected and clarified information BROADCASTING reported in its Oct. 29 story on Infotechnology. Nielsen said FNN's Monday-Friday carriage is more than 35 million subscribers, and on weekends is more than 26 million. According to Nielsen, daytime versus nighttime carriage, which could connote parttime distribution, is not a standard measure.

Additionally, FNN President Michael Wheeler said last week that the network has affiliation contracts covering 80% of its 35 million subscribers that reach to 1993 and beyond and that carry a rate in excess of three cents per subscriber per month. In its story, BROADCASTING reported a source said many of FNN's contracts were in the one- to three-cent range. Two top 10 MSO's BROADCASTING contacted said their FNN carriage deals ran to 1994 and 1995, respectively, and that the effective per subscriber rate was in the five-cent range. The largest MSO, TCI, last month signed a 10-year carriage deal with FNN.

### TNT'S NFL SHORT OF FIRST DOWN

**N**FL football on TNT underdelivered its audience approximately 10%, according to David Levy, vice president, sports sales, Turner Broadcasting.

The eight games aired Monday nights on TNT (with the exception of the Patriots-Dolphins game, which aired Thursday night) have averaged a 7.0 Nielsen rating in TNT's universe of 50 million homes, and an estimated 8.2 full coverage rating, which includes the two broadcast markets home to the two playing teams. That 8.2 average, which is what TNT sold its advertising on, is under the 10.4 TNT guaranteed its advertisers.

According to Levy, however, the 8.2 is equal to an 8.7, because there were more households in the full coverage area than advertisers had been told. The average number of households receiving the TNT games on any given Sunday was 52,629,000 (including broadcast stations), up from the projected 49,535,000. The 8.7 figure is 15% below the 10.4 guarantee, but Levy said demo guarantees did 5% better than anticipated.

The majority of advertisers have already been given their make-goods, either during NFL games themselves, or in pre- or post-game shows, according to Levy. "We held back some inventory especially for this," said Levy, who stressed that TNT could have sold that inventory and made more money. But "it's our first time out of the block and we wanted to make sure our advertisers are happy," he said.

	TNT Universe (50 million HHs) Nielsen Rating/Share	Full Coverage Rating
1. Philadelphia Eagles at New York Giants	7.3/11.5	9.8
2. Houston Oilers at Pittsburgh Steelers	7.3/11.5	8.4
3. Detroit Lions at Tampa Bay Buccaneers	6.4/ 9.5	6.9
4. Washington Redskins at Phoenix Cardinals	6.2/ 9.3	6.9
5. L.A. Raiders at Buffalo Bills	6.8/10.3	8.2
6. L.A. Rams at Chicago Bears	7.4/11.7	9.5
7. New England Patriots at Miami Dolphins	6.3/9.8	6.7*
8. Cincinnati Bengals at Atlanta Falcons	8.1/12.1	9.0*

Notes: \*estimate. Games 3,4 and 7 did not sell out, so were blacked out in home team's local market. Full coverage area includes playing teams' broadcast markets.