

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
FCC's Media Bureau Seeks Comment on)	MB Docket No. 26-45
Sports Broadcasting Practices and)	
Marketplace Developments)	

**COMMENTS OF
CONSUMER TECHNOLOGY ASSOCIATION**

I. INTRODUCTION

Consumer Technology Association (CTA)¹ submits these comments in response to the Public Notice seeking comment on the marketplace for sports broadcasting to highlight how, without regulatory intervention, the vibrant sports media and technology ecosystem benefits consumers.² The free market delivers more choices for consumers to view a greater diversity of sports on a wider variety of devices. As CTA often states, consumers should choose their own video choices, not a select group of broadcasters and not the Federal Communications Commission (Commission or FCC).³

The marketplace for sports media shows how a consumer-first mindset that maximizes choice and minimizes the need for government regulatory intervention supports new video

¹ As North America's largest technology trade association, CTA® is the tech sector. Our members are the world's leading innovators—from startups to global brands—helping support more than 17 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

² *FCC's Media Bureau Seeks Comment on Sports Broadcasting Practices and Marketplace Developments*, Public Notice, MB Docket No. 26-45, DA 26-188 (MB rel. Feb. 25, 2026) (Public Notice).

³ *See, e.g.*, Reply Comments of Consumer Technology Association, GN Docket No. 16-142 at 1 (filed Feb. 18, 2026); *The Future of Video Hearing Before the Subcomm. on Commc'ns & Tech. of the Comm. on Energy & Com.*, 112th Cong., 5-8 (2012) (letter from Gary Shapiro, [then] President & CEO, [CTA f/k/a] CEA, to Hon. Greg Walden et al., Chairman, Subcomm. on Commc'ns & Tech., attached to opening statement of Hon. Lee Terry, Representative, Nebraska).

services and features that benefit consumers. Americans now view many sports contests that have never been available on traditional broadcast television (or any traditional media platform) on their new smart TV, phone, tablet, or other device. The private marketplace functions to deliver sports fans the content they desire wherever and however they want to view it, and regulatory intervention will not benefit consumers. The Commission also lacks legal authority to regulate the content delivered over online services or their contractual arrangements. There is neither a need nor a legal basis for the FCC to regulate sports programming provided over streaming services.

II. THE CONSUMER TECHNOLOGY INDUSTRY IS MEETING CONSUMERS' DEMAND FOR SPORTS VIDEO EVERYWHERE ALL AT ONCE

Letting the marketplace dictate sports media rights supports innovation by ensuring that the video and tech ecosystems respond to consumer demand and business needs, rather than regulatory fiat. At CES 2026, exhibitors displayed myriad innovative technologies for viewing sports from tiny projectors and smart glasses to wall-sized displays.⁴ Alongside the introduction of new devices, at the CES C Space Studio, leaders discussed pro-consumer and other disruptive trends in advertising, brand marketing, entertainment and media such as how the latest technological trends are bringing fans closer to the action.⁵

⁴ See, e.g., *CES Innovation Awards*, CES, <https://www.ces.tech/ces-innovation-awards> (last visited Mar. 26, 2026) (awarding innovations in several categories that enable consumers to watch sports video including video displays and mobile devices); *Official Best of CES 2026 Awards: 22 Winners and Best Overall*, Awarded by CNET Group, CNET (Jan. 8, 2026) <https://www.cnet.com/best-of-ces-2026/>.

⁵ See *Tech x Football: FPT & Chelsea FC Playbook for Innovation*, presented by FPT, CES (Jan. 8, 2026), <https://www.ces.tech/videos/tech-x-football-fpt-chelsea-fc-playbook-for-innovation-presented-by-fpt>; C Space at CES, CES, <https://www.ces.tech/explore-ces/c-space/> (last visited Mar. 26, 2026).

Today, *fans* customize their viewing choices, rather than relying solely on the decisions of broadcast or network executives.⁶ Streaming now complements broadcast sports, and the Public Notice correctly observes that “today, NFL, MLB, NBA, and NHL games can be found on broadcast, cable, and streaming services.”⁷ Contrary to the Public Notice’s suggestion,⁸ streaming subscriptions are no more “paywalls” than traditional subscription TV options, such as non-broadcast regional sports networks, sports tiers and premium channels showcasing prize fights. With the availability of sports via Internet streaming services, consumers can select their subscriptions based on the sports they want to watch, often saving money in the process.⁹ For example, some services offer lower priced ad-supported tiers that feature many of the live sports traditionally on broadcast and cable.¹⁰

Innovation via streaming also introduces new benefits for sports-focused consumers. Uncoupled from the limitations inherent in the broadcast model, which traditionally required sufficiently high audience rates in particular geographies and convenient local times, streaming platforms exponentially increase access to niche sports, women’s leagues and high school

⁶ Carl Williams, *The Rise of Streaming: What’s Changing in Sports Viewership Trends*, Tech Times (June 19, 2025), <https://www.techtimes.com/articles/310920/20250619/rise-streaming-whats-changing-sports-viewership-trends.htm> (“One of the most significant drivers of this shift [in sports consumption] is convenience. With smartphones, tablets, and smart TVs becoming household staples, fans no longer need to be glued to a cable subscription or be home at a specific time.”) (Williams, *The Rise of Streaming*).

⁷ *Public Notice* at 3.

⁸ *Id.* at 1.

⁹ See, e.g. Stephen Graveman, *Why More Viewers Are Streaming Sports, Including March Madness*, MNTN Research, <https://research.mountain.com/insights/streaming-sports> (last visited Mar. 26, 2026) (“Many streaming services offer sports packages at a lower cost than traditional cable or satellite providers.... Moreover, viewers can choose the specific sports or teams they want to follow.”).

¹⁰ See, e.g., HBO Max, *HBO Max plans and prices*, <https://help.hbomax.com/us/Answer/Detail/000002547> (last visited Mar. 26, 2026); Netflix, *Plans and Pricing*, <https://help.netflix.com/en/node/24926> (last visited Mar. 26, 2026); Peacock, *Pick a Plan. Cancel Anytime*, <https://www.peacocktv.com/plans/all-monthly> (last visited Mar. 26, 2026); Paramount+, *Pick Your Plan*, <https://www.paramountplus.com/account/signup/pickplan/> (last visited Mar. 26, 2026).

games.¹¹ For example, niche content is often streamed for free or made available over free, ad-supported streaming television (FAST) outlets showcasing a variety of sports content available at no charge.¹² Streaming technologies also enable new viewer-driven interactive opportunities for replays, highlights, behind-the-scenes content, multiple camera angles, real-time statistics and social engagement features.¹³ Government attempted regulation of streaming services' sports programming would likely disrupt the customized and innovative viewing experience that sports fans enjoy.

III. THE COMMISSION HAS NO LEGAL AUTHORITY TO REGULATE SPORTS PROGRAMMING OFFERED ON STREAMING SERVICES

Imposing new rules or interfering with the private contracts for online sports programming would exceed the Commission's authority. It would also run counter to the Trump Administration's national policy to "alleviate unnecessary regulatory burdens placed on the American people," given the "ever-expanding morass of complicated Federal regulation [that] imposes [] costs on the lives of millions of Americans."¹⁴

¹¹ See, e.g., Public Notice at 4 (observing that "streamers have helped expand access to professional and collegiate sports"); Williams, *The Rise of Streaming* ("One unexpected outcome of the streaming revolution is the rise in popularity of niche and international sports."); Frankie Bailey, *The Rise of Niche Sports Broadcasting and Specialized Networks*, Ball Seek (May 22, 2025), <https://www.ballseek.com/article/the-rise-of-niche-sports-broadcasting-and-specialized-networks>.

¹² See, e.g., RokuChannel, <https://therokuchannel.roku.com/browse/w.2AljKalaW8sNYmW0KYYafRQDLV6ZzgUz1NmkvoM2UKbx6JwAa/sports> (last visited Mar. 26, 2026); tubi, *sports*, <https://tubitv.com/search/sports> (last visited Mar. 26, 2026); Samsung TV Plus, <https://www.samsungtvplus.com/> (last visited Mar. 26, 2026); pluto, <https://pluto.tv/us/hub/home?lang=en> (last visited Mar. 26, 2026).

¹³ Williams, *The Rise of Streaming* (observing that streaming platforms and apps allow users to "watch games live or on-demand, often with customized experiences like multiple camera angles, real-time stats, and social engagement features" and the "interactive layer makes sports feel more personal and participatory").

¹⁴ See *Exec. Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 Fed. Reg. 9065 (Feb. 6, 2025).

The Commission lacks jurisdiction to regulate sports programming on streaming services. The Public Notice cites no explicit or even implicit statutory authority to support any new regulation of streaming video as a medium.¹⁵ Without such statutory authority, any FCC regulation of streaming services would be legally dubious¹⁶ and raise potential issues under the Major Questions Doctrine given that private companies exchange billions of dollars for the rights to showcase sports to millions of Americans.¹⁷ FCC regulation of streaming platforms' content decisions is also likely to run afoul of the First Amendment.¹⁸

Indeed, the only express reference to online video in the Communications Act is found within the amendments of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the narrow purpose of ensuring that video previously exhibited on television with captions in the United States is captioned when distributed online.¹⁹ The FCC has no basis to use this exceptionally limited authority on captioned video programming to regulate the content of programming offered over streaming services. Similarly, any Commission authority on emergency alerting does not justify regulation of streaming services because such authority

¹⁵ To the extent streaming video falls within the Communications Act at all, it would constitute a Title I information service, over which the FCC has very little regulatory authority. *See, e.g.*, 47 U.S.C. § 230(b)(2) (expressing the “policy of the United States” “to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services [which includes information services], unfettered by Federal or State regulation.”).

¹⁶ *See generally Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024) (requiring courts apply the “best” interpretation of a statute when assessing statutory authority).

¹⁷ *See West Virginia v. EPA*, 597 U.S. 697, 716 (2022) (observing that courts “expect Congress to speak clearly if it wishes to assign to an agency decisions of vast economic and political significance”) (citing *Repeal of the Clean Power Plan et al.*, 84 Fed. Reg. 32523, 32529 (2019)).

¹⁸ *See Moody v. NetChoice, LLC*, 603 U.S. 707, 731 (2024) (holding that “[a]n entity ‘exercis[ing] editorial discretion in the selection and presentation’ of content,” including third party content, is engaged in speech activity) (quoting *Arkansas Ed. Television Comm’n v. Forbes*, 523 U.S. 666, 674 (1998)).

¹⁹ Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-260, 124 Stat. 2751 (2010) (CVAA); Amendment of Twenty-First Century Communications and Video Accessibility Act of 2010, Pub. L. No. 111-265, 124 Stat. 2795 (2010) (technical amendments to CVAA). CTA members already abide by the Commission rules implementing this authority. *See* 47 C.F.R. Part 79.

does not extend to streaming services.²⁰ Furthermore, CTA research shows that viewing content over streaming services has no effect on consumers’ access to public safety and emergency alerts because consumers see wireless emergency alerts on mobile devices that are increasingly being used to view the programming and otherwise are virtually always on or near the user.²¹ CTA also urges against exhuming the Wheeler era FCC idea of classifying certain online video distributors as multichannel video programming distributors (MVPDs), which was then and still is ill-advised and legally dubious.²²

In addition, the Communications Act does not authorize the Commission to interfere with the private contractual terms agreed to by online video providers and sports media rights holders.²³ The FCC has long refused to interfere with the contractual arrangements of private

²⁰ See, e.g., 47 U.S.C. § 1201 (requiring the FCC to complete a proceed enabling voluntary commercial mobile service alerting capability); 47 C.F.R. § 11.11 (describing the entities that compose the Emergency Alert System (EAS), which do not include broadband providers or Internet content providers).

²¹ See Public Notice at 5 (asking whether new trends in sports video “impact consumer access to public safety and other emergency information”); *CTA U.S. Adult Emergency Alert Survey 2023*, CTA (Oct. 2023), <https://shop.cta.tech/collections/research/products/cta-u-s-adult-emergency-alert-survey-2023> (approximately 245 million U.S. adults (95%) received/heard the October 4 emergency alert via their phone); *The Video Ecosystem: The Future of TV*, CTA (Dec. 2024) (most people watch television while engaging with a second screen such as a phone or tablet); Comments of CTA, PS Docket No. 25-224, at 5-9 (Sept. 25, 2025) (explaining that there are numerous, significant technical and practical hurdles to expanding EAS onto streaming services as well as legal questions regarding the FCC’s authority to expand either EAS or Wireless Emergency Alerts beyond current structures).

²² *Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services*, Notice of Proposed Rulemaking, 29 FCC Rcd 15995 (2014); Comments of the Consumer Electronics Association, MB Docket No. 14-261 (Mar. 3, 2015).

²³ See, e.g., *Regents of University System of Georgia v. Carroll*, 338 U.S. 586, 602 (1950) (noting that “[t]he Commission has said frequently that controversies as to rights between licensees and others are outside the ambit of its powers” and holding that “[w]e do not read the Communications Act to give authority to the Commission to determine the validity of contracts between licensees and others”); *Listeners’ Guild, Inc. v. FCC*, 813 F.2d 465, 469 (D.C. Cir. 1987) (referring to the “Commission’s longstanding policy of refusing to adjudicate private contract law questions for which a forum exists in the state courts”); Public Notice at 4 (observing that the sports media deals are “private contractual arrangement[s]” between sports teams or leagues on the one hand and distributors on the other).

parties.²⁴ To the extent MVPDs may have some obligations vis-à-vis broadcasters in programming negotiations,²⁵ this authority does not apply to negotiations between streaming video entities—which are not MVPDs—and sports media rights holders—which are not broadcasters.

IV. CONCLUSION

Thanks to streaming platforms, fans have more access than ever to their favorite sports teams—wherever and whenever they play. Today’s market-driven approach to sports video remains the best way to serve consumers and promote competition. The Commission lacks legal authority to pursue additional regulations in this area and should not interfere with today’s dynamic, highly competitive and ever-evolving sports video marketplace.

Respectfully submitted,

CONSUMER TECHNOLOGY ASSOCIATION

By: /s/ J. David Grossman

J. David Grossman
Vice President, Policy & Regulatory Affairs

/s/ Rachel Nemeth

Rachel Nemeth
Senior Director, Regulatory Affairs

Consumer Technology Association
1919 S. Eads Street
Arlington, VA 22202
(703) 907-7651

March 27, 2026

²⁴ See, e.g., *USA Broadcasting, Inc. et al.*, 19 FCC Rcd 4253, 4255-56 ¶ 9 (2004); *Stop 26 Riverbend, Inc. et al.*, Memorandum Opinion and Order, 18 FCC Rcd 22734, 22736 (2003) (acknowledging the “Commission’s longstanding policy to defer to state and local courts on private contractual matters while retaining exclusive jurisdiction over broadcast station licensing”) (footnote omitted).

²⁵ See, e.g., 47 C.F.R. § 76.65.