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SPORTS

ON THE
AIR

bob rubin

Court Faceoff: Ch. 2 vs. NHL

The puck is in court.

Channel 2 has filed a breach-of-contract suit against the National Hockey League Network, Inc. in Dade County Circuit Court, alleging that an exchange of letters between the station's programming department and NHL television executives last fall constituted a legal contract for Channel 2 to televise games this season for a third straight year.

Channel 2 is asking for unspecified damages in excess of \$2,500, the jurisdictional minimum.

In its complaint, the station says, "The telecasts of NHL hockey games by WPBT during 1977 and 1978 proved to be enormously popular with the Miami area viewing public. In direct response to solicitations for contributions to WPBT conducted during intermissions in the NHL games, WPBT received over \$100,000 in contributions over the two-year period."

The NHL, which sold its Saturday afternoon-Monday night regular-season package in Miami to Channel 45 this season, says Channel 2 is full of prunes.

The NHL contends that the exchange of letters amounted to nothing more than preliminary negotiations, that the league had every right in the world to switch to Channel 45 and will prove it in court.

Who's right? That's for the judge to decide. But one thing is certain: National Hockey League Network President Hoi Stein is steamed.

★ ★ ★ Saving Face?

"I'M VERY surprised they brought this suit," Stein said. "I can't figure out why they did, unless it's to save face with their viewers by making us look like the bad guys."

"If they really think they're right, why didn't they go after the games by asking for an injunction or restraining order on the commercial station that is showing them? There's still nearly a half season to play.

"I'll tell you this. They're not exactly endearing themselves with people they might want to do business with in the future."

Stein says the NHL and Channel 2 enjoyed a mutually beneficial relationship for two years. The league got exposure in Miami; the station got the games dirt cheap, made approximately \$83,000 from them and won praise from area hockey fans.

How cheap is dirt cheap? For Saturday afternoon games, Channel 2 paid \$300. Monday night games went for \$400. Subsequent prime-time playoff games cost \$700; afternoon playoffs \$300.

Channel 2's total expenditure in 1977 for hockey was \$2,750. In 1978, it was \$14,200. The NFL wouldn't sell rights to show a jock-strap for that kind of money.

Stein says the league was willing to merely break even on its production costs for telecasts in Miami because the network it put together needed exposure in this and other non-NHL markets to attract heavy-weight national advertising.

Ad men are very careful where they put their money. They want their ads to reach the maximum number of people possible per dollar. More bull for the buck.

Stein contends that Channel 2 knew it had the games only because no commercial station wanted them, and would lose broadcasting rights as soon as one did. Commercial stations can pay more for the games because they have ad revenues PBS stations do not.

"They [Channel 2] got \$100,000 as a result of the games and sure weren't paying us anything near that kind of money, so they weren't showing them purely out of the goodness of their hearts," Stein said. "We were happy, too, because our games were being seen.

"But now we have a commercial outlet. Are we supposed to cut ourselves off from the commercial TV we need so they can make some more money? They're trying to portray us as money hungry, but it may be the other way around. Why else are they suing for damages instead of trying to get the games back."

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'Only Purpose'

"OUR only purpose is to get the games back on Channel 2," said John Felton, program director for the station. "We owe that to all our viewers who enjoyed the telecasts and became subscribers as a result of the games."

Then why not start by trying to black out Channel 45?

Ken Lipman, an attorney for the firm Paul & Thomson that is representing Channel 2, says he raised the possibility of enjoining Channel 45 from showing the games as a preliminary step toward getting them back, but was told not to pursue it by Channel 2's management.

"It was decided that they didn't want to interfere with viewers' enjoyment of the games during the period of time they might be off the air while the matter was still in court," Lipman said.

Is Channel 2 being money hungry? Depends what you mean by the term.

"It's our allegation that Channel 2 has lost a lot of money because the hockey telecasts were very popular and did raise a considerable sum," Lipman said.

Felton said he knew he would lose the NHL as soon as a commercial station showed interest. "I have no quarrel with that at all," he said. "What this is all about is the fact that we were offered the package up front, we accepted and then they withdrew."

See you in court.