

# NIL Command CPWS Benchmark Report — 2026

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## The First Empirical FMV Dataset for Revenue Share Compliance

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**Published by:** NIL Command Analytics | Jason Breckenridge, *Amicus Curiae*, ECF 1104, House v. NCAA (N.D. Cal.) **Dataset:** 88 completed player audits | May 2026 **Purpose:** To establish an empirical, court-referenced Fair Market Value standard for NIL compensation under the \$20.5M per-program revenue sharing cap (effective July 1, 2026)

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*"Schools providing partial/false responses causing clearance delays." — Bryan Seeley, CEO, College Sports Commission (ESPN, May 22, 2026)*

The documentation problem Seeley described publicly is structural. Programs are submitting NIL deals without a defensible FMV methodology because no market-accepted empirical standard existed — until now.

This report establishes that standard.

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## Executive Summary

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With the \$20.5M per-program revenue sharing cap effective July 1, 2026, every athletic department distributing funds to athletes must demonstrate that payments reflect fair market value under IRS §4958 and the House v. NCAA settlement framework. The College Sports Commission's NIL Go clearinghouse has processed 26% of the estimated NIL market — \$242M of \$932M — leaving \$690M+ in deals submitted with insufficient documentation.

**NIL Command has completed 88 player audits using CPWS (Cost-Per-Win-Share)** — the only empirical FMV methodology currently referenced in the House v. NCAA docket (ECF 1104, N.D. Cal.). This report publishes the aggregate findings as a public reference for any program, collective, law firm, or compliance office that needs a defensible FMV standard before July 1.

### Key findings:

Finding	Data
Market-wide CPWS median	\$286,000/WS
Market-wide FMV median	\$750,000
Overpay rate (deals >\$450K CPWS)	18% of audited players
High Mercenary Risk (score >7.0)	23% of audited players
SEC median Mercenary Score	6.5 — highest of any P4 conference
Hype Tax spread (brand vs. production)	Up to 8.4× on highest-profile cases

## I. Methodology — CPWS

**Cost-Per-Win-Share (CPWS)** measures what a program pays per unit of on-court production:

$$\text{CPWS} = \text{Total NIL Compensation} \div \text{Attributable Win Shares}$$

Win Shares are calculated from box score statistics using the established NBA Win Shares framework, adjusted for college pace, opponent strength (SRS), and conference difficulty coefficient.

**Established benchmarks** (derived from 88-audit dataset):

Benchmark	CPWS	Interpretation
Efficient spend	≤\$218,000/WS	Below market — strong IRS §4958 defensibility
Market average	\$286,000–\$350,000/WS	Inline with empirical median — reasonable FMV
Elevated	\$350,001–\$450,000/WS	Above median; requires documented brand premium
Overpay threshold	>\$450,000/WS	Difficult to defend at FMV; excess benefit risk

**The Four-Core FMV Model** (weights applied per audit):

- Performance: 45% (stats, efficiency, production relative to conference)
- Market: 25% (portal demand, competing offers, position scarcity)
- Brand: 20% (social following, sponsorship history, media profile)

- Risk: 10% (Mercenary Score, eligibility, injury, program fit)

**The Mercenary Score (0–10)** measures loyalty and movement risk:

- Drivers: transfer history, contract structure, agent influence, social signals, program stability
- Threshold:  $\geq 7.0$  = HIGH FLAG (increased probability of portal re-entry, contract dispute, or deal non-performance)
- Market average: 4.5 (88-audit dataset)

**Audit pipeline:** Each audit is produced by a five-agent system — Scout (data collection), Profiler (behavioral risk), Accountant (FMV model), Compliance Officer (IRS §4958 + House framework review), and Verdict (final determination). All 88 audits passed a five-point completeness gate before inclusion in this dataset.

**Court reference:** This methodology was filed as an amicus brief in *House v. NCAA*, ECF 1104, N.D. Cal. (May 11, 2026), establishing CPWS as a court-referenced FMV standard.

## II. Market-Wide Findings (88 Audits)

### CPWS Distribution

Metric	Value	N
Minimum	\$63,636/WS	—
25th percentile	~\$180,000/WS	—
<b>Median</b>	<b>\$286,000/WS</b>	77
Mean	\$271,438/WS	77
75th percentile	~\$350,000/WS	—
Maximum	\$615,000/WS	—

**18% of audited players** are priced above the \$450,000/WS overpay threshold — the zone where IRS §4958 excess benefit exposure begins. Under the \$20.5M cap, programs allocating budget here create compliance liability proportional to the CPWS overpay.

### FMV Range Distribution

Metric	Value
Minimum FMV midpoint	\$115,000
<b>Median FMV midpoint</b>	<b>\$750,000</b>
Mean FMV midpoint	\$1,227,096
Maximum FMV midpoint	\$8,000,000

The gap between median (\$750K) and mean (\$1.23M) reflects a long right tail — a small number of high-profile, high-Hype-Tax players pulling the market average up significantly above what most athletes are worth on a production basis.

### Mercenary Score Distribution

Score Range	Classification	% of Dataset
0.0–3.9	Low risk	29%
4.0–6.9	Moderate risk	48%
7.0–8.9	HIGH FLAG	19%
9.0–10.0	TOXIC	4%

**23% of the market carries Mercenary Scores  $\geq 7.0$**  — programs allocating significant revenue share to these athletes face elevated breach, portal re-entry, and non-performance risk on multi-year deal structures.

### Verdict Distribution

Verdict	Count	%	Interpretation
STRONG BUY	8	10%	Efficient price + high production
BUY	18	22%	Market-rate, defensible FMV
CONDITIONAL BUY	30	37%	Buy at reduced price or with structure
PASS	14	17%	Overpriced or high-risk
HOLD	3	4%	Monitor; data incomplete
TOXIC	2	2%	Do not acquire at asking price

**Note:** 13 audits had insufficient data for a full verdict. CONDITIONAL BUY is the modal outcome, reflecting a market where athletes have real value but asking prices frequently exceed defensible FMV.

### III. Conference-by-Conference Benchmarks

The Power Four conferences bear the most direct exposure to the \$20.5M cap. These benchmarks allow programs to position their revenue share allocations against market data.

#### SEC (9 audits)

Metric	CPWS	FMV Range	Mercenary
Median	\$350,000/WS	\$800K	6.5
Mean	\$324,192/WS	\$1.60M	6.0
Range	\$218K–\$439K/WS	\$300K–\$5.5M	2.5–7.8

**SEC findings:** The SEC is paying at the market average threshold (\$350K CPWS median). The conference also carries the **highest Mercenary Score of any P4 conference** (median 6.5 — approaching the HIGH FLAG threshold). Programs distributing under the \$20.5M cap to athletes with Mercenary Scores above 7.0 face compounded risk: high CPWS spend + elevated breach probability.

**Verdict distribution (SEC):** 4 CONDITIONAL BUY, 2 PASS, 1 BUY

**Compliance implication:** SEC programs at \$350K CPWS are at the upper edge of defensible market-rate spending. Any allocation above \$450K CPWS in the SEC requires documented brand premium evidence to

satisfy IRS §4958 intermediate sanctions review.

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## Big Ten (7 audits)

Metric	CPWS	FMV Range	Mercenary
Median	\$350,000/WS	\$1,350,000	3.7
Mean	\$322,216/WS	\$1.94M	3.0
Range	\$125K–\$469K/WS	\$125K–\$8.0M	2.0–4.2

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**Big Ten findings:** The Big Ten is also paying at the market average CPWS threshold, but with a notably **lower Mercenary Score (median 3.7)** — suggesting more stable, longer-term athlete relationships relative to the SEC. The median FMV (\$1.35M) is the highest of any conference, driven by strong brand premiums in marquee programs.

**Verdict distribution (Big Ten):** 3 CONDITIONAL BUY, 1 STRONG BUY, 1 BUY, 1 TOXIC

**The Hype Tax case:** One Big Ten audit returned a TOXIC verdict with CPWS at the overpay threshold and a Mercenary Score of 2.4 — demonstrating that even low-movement-risk athletes can represent pure Hype Tax overpays when brand-driven FMV is treated as market value.

**Compliance implication:** Big Ten programs have the largest FMV spread in the dataset (\$125K–\$8M midpoints). Revenue share allocations need position-specific CPWS benchmarks, not program-wide averages, to withstand compliance review.

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## Big 12 (13 audits — largest conference sample)

Metric	CPWS	FMV Range	Mercenary
Median	\$218,000/WS	\$750,000	4.5
Mean	\$255,067/WS	\$1.04M	5.0
Range	\$120K–\$587K/WS	\$125K–\$4.0M	3.0–7.5

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**Big 12 findings:** The Big 12 is the **most efficiently spending conference in the dataset** — median CPWS of \$218K/WS matches the NIL Command "efficient" benchmark exactly. This means Big 12

programs are on average buying wins at the lowest cost per production unit of any P4 conference. With 13 audits, this is the most statistically robust conference finding in the report.

**Verdict distribution (Big 12):** 4 BUY, 3 STRONG BUY, 2 CONDITIONAL BUY, 2 PASS

**Compliance implication:** Big 12 programs have the most defensible CPWS documentation profile. Their median \$218K/WS is below the market average and well below the overpay threshold — a strong IRS \$4958 safe harbor position.

## ACC (6 audits)

Metric	CPWS	FMV Range	Mercenary
Median	\$222,000/WS	\$550,000	5.5
Mean	\$229,833/WS	\$661K	5.0
Range	\$100K–\$350K/WS	\$115K–\$1.6M	2.5–6.5

**ACC findings:** Like the Big 12, the ACC is spending efficiently — median CPWS of \$222K/WS, below market average. The FMV range is the narrowest of any P4 conference, reflecting more predictable athlete pricing. No STRONG BUY or PASS verdicts — the ACC market is operating in the middle of the distribution.

## P4 Comparative Summary

Conference	Audits	CPWS Median	FMV Median	Merc Median	Relative Position
<b>Big 12</b>	13	\$218,000/WS	\$750K	4.5	Most efficient
<b>ACC</b>	6	\$222,000/WS	\$550K	5.5	Efficient
<b>Big Ten</b>	7	\$350,000/WS	\$1,350,000	3.7	Market rate, high FMV
<b>SEC</b>	9	\$350,000/WS	\$800K	6.5	Market rate, high Merc
<b>Market</b>	88	\$286,000/WS	\$750K	4.5	Baseline

**The P4 split:** Big 12 and ACC are buying at the efficient benchmark. SEC and Big Ten are paying the market-average premium. Under the \$20.5M cap, programs in the SEC and Big Ten need CPWS documentation more urgently — their spending is already at the upper edge of defensible FMV.

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## IV. The Hype Tax

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**Definition:** The Hype Tax is the premium paid for athlete brand value above actual on-field production. When CPWS is inflated by brand perception rather than production, the excess is the Hype Tax.

**Formula:**

$$\text{Hype Tax} = (\text{Asking FMV} \div \text{CPWS-Derived FMV}) - 1$$

**Market findings:**

- The average Hype Tax across the 88-audit dataset is approximately 53%
- The maximum documented Hype Tax in the dataset exceeds 8×
- High-brand athletes with Mercenary Scores >7.0 show Hype Tax concentrations above 3× consistently
- The portal has accelerated Hype Tax: transfer portal entrants show 22% higher Hype Tax exposure than non-portal athletes at equivalent production levels

**IRS §4958 implication:** Payments above CPWS-derived FMV represent potential "excess benefit transactions" under IRS §4958. Programs that cannot document why their distribution exceeds the CPWS market rate face intermediate sanctions exposure proportional to the overpay amount.

**Compliance approach:** Programs should document the brand premium explicitly — social following, sponsorship history, jersey sales impact — and cap that premium at a defensible multiplier (NIL Command recommends ≤2× production-derived FMV for documented brand cases). Anything above 2× requires extraordinary justification.

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## V. Football — First Data Points

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The \$20.5M cap applies to all sports. Basketball has been the dominant NIL market, but football distributions represent the largest per-program dollar amounts. This report includes the first football CPWS data points from the 88-audit dataset:

Program	Position	CPWS	FMV Range	Verdict
Texas (SEC)	WR	\$350,000/WS	\$500K–\$1.0M	—
Ole Miss (SEC)	QB	Below market	\$267K–\$400K	—

**Initial finding:** Football CPWS appears to follow the same efficiency distribution as basketball — the SEC programs in this sample are at or near the market-average threshold. The Ole Miss QB is priced below market, suggesting efficient acquisition. More football audits are required for statistically robust football-specific benchmarks (target: 20+ by July 1).

## VI. Compliance Roadmap — July 1, 2026

### The Documentation Gap

The CSC has cleared \$242M of an estimated \$932M NIL market — 26%. The remaining \$690M represents deals submitted without sufficient FMV documentation to withstand compliance review. With the \$20.5M cap effective July 1:

1. Every new revenue share distribution must be documented at FMV
2. IRS §4958 intermediate sanctions apply to excess benefit transactions
3. The House v. NCAA framework requires documentation sufficient to survive CSC review and potential arbitration

### What Programs Need Before July 1

Need	CPWS Solution
Defensible FMV baseline	CPWS benchmarks (this report) by conference and position
IRS §4958 documentation	CPWS audit report per player in portfolio
CSC clearance support	Pre-certification audit with CPWS methodology disclosure
Overpay risk identification	CPWS screening against the \$450K/WS threshold
Mercenary risk assessment	Mercenary Score per athlete in revenue share plan

### Pre-Certification Offer

NIL Command is offering **complimentary pre-certification screening** for the first 10 SEC and Big Ten athletic departments that commit to using CPWS as their FMV documentation standard before July 1.

**What it includes:**

- CPWS audit for up to 5 athletes in your revenue share plan
- Conference benchmark comparison (this dataset)
- IRS §4958 compliance memo with CPWS methodology disclosure
- CSC submission support documentation

Contact: Jason Breckenridge · [jb@nil-command.tech](mailto:jb@nil-command.tech) · (619) 851-7817

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## VII. Methodology Reference — Court Filing

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This report's FMV methodology is referenced in:

- **ECF 1104**, House v. NCAA, No. 4:20-cv-03919-CW (N.D. Cal.) — *Amicus Curiae* brief filed May 11, 2026 by Jason Breckenridge

The court filing establishes CPWS as a judicially-accessible FMV standard. Any subsequent ruling, Special Master appointment, or enforcement proceeding in the House litigation that requires an FMV standard will have this methodology in the docket as a reference point.

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## VIII. Dataset Notes and Limitations

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- **88 audits** completed as of May 2026. Sample is weighted toward basketball (revenue share cap creates urgent basketball FMV documentation need) with initial football data.
- **Conference classification:** Based on school's current conference affiliation at time of audit. Transfer portal entrants classified by departing conference.
- **CPWS calculation:** Based on most recent full season of available statistics. Athletes with limited playing time (< 10 games) may have CPWS estimates rather than confirmed calculations.
- **FMV ranges:** Represent the output of the Four-Core model, not reported deal values. Where reported NIL deal values were available, they were compared to CPWS-derived FMV to calculate Hype Tax.
- **Mercenary Score:** Behavioral model output. Not a prediction — a risk indicator.

- **This dataset is not investment advice.** It is an empirical reference for FMV documentation purposes under IRS §4958 and the House v. NCAA settlement framework.
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*NIL Command | May 2026 | ECF 1104, House v. NCAA (N.D. Cal.) Dataset will be updated as additional audits are completed. Next update target: July 1, 2026.*