

REDACTED – FOR PUBLIC INSPECTION

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February 27, 2019

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Re: REDACTED – FOR PUBLIC INSPECTION
beIN Sports, LLC v. Comcast Cable Communications, LLC and Comcast Corporation, MB
Docket No. 18-384, File No. CSR-8972-P

Dear Ms. Dortch:

Enclosed is the public version of the Reply to Opposition to Protective Order Access Objection of Comcast Corporation and Comcast Cable Communications, LLC (together, “Comcast”) in the above-captioned proceeding.

Comcast also is serving a copy of this public Reply via electronic mail to counsel for beIN Sports, LLC.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,



Michael D. Hurwitz
*Counsel for Comcast Corporation and Comcast
Cable Communications, LLC*

Enclosures

cc: Pantelis Michalopoulos, Steptoe & Johnson LLP (via electronic mail)

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
beIN SPORTS, LLC,)	
<i>Complainant,</i>)	
)	MB Docket No. 18-384
vs.)	File No. CSR-8972-P
)	
COMCAST CABLE)	
COMMUNICATIONS, LLC)	
And)	
COMCAST CORPORATION,)	
<i>Defendants.</i>)	
)	

REPLY TO OPPOSITION TO PROTECTIVE ORDER ACCESS OBJECTION

1. Comcast Corporation, together with its affiliates Comcast Cable Communications, LLC (“Comcast Cable”) and NBCUniversal Media, LLC (“NBCUniversal”) (collectively, “Comcast”), briefly responds to the Opposition filed by beIN Sports, LLC (“beIN”) to Comcast’s objection to the Protective Order declaration for beIN’s expert, Mr. Eric Sahl.¹

2. Contrary to the picture painted in beIN’s Opposition, Comcast is not seeking to disqualify Mr. Sahl as an expert or from future work. Comcast only objects to his access to a limited subset of Highly Confidential Information (“HCI”) that includes both (1) viewership analyses and data prepared by Comcast’s Enterprise Business Intelligence team (“EBI analyses”) and (2) NBCUniversal affiliation agreement terms (“NBCUniversal carriage terms”).

¹ See *beIN Sports, LLC, Complainant, v. Comcast Cable Communications, LLC and Comcast Corporation, Defendants Request for Enhanced Confidential Treatment*, Order, DA 19-65 (MB Feb. 8, 2019) (“Protective Order”); *beIN Sports, LLC, Opposition to Objection to Protective Order Access*, MB Docket No. 18-384 (Feb. 25, 2019) (“Opposition”).

3. Disclosure of EBI analyses to Mr. Sahl would provide commercially sensitive insights into what Comcast Cable is willing to pay for programming in negotiations and how it makes such determinations. Mr. Sahl has indicated that he will be directly involved for the [[

]]. beIN's hyper-technical view of the Protective Order would create a gaping loophole that would skew those competitive negotiations and disadvantage Comcast.

4. beIN also mischaracterizes the source and import of the NBCUniversal carriage terms at issue. That information belongs to NBCUniversal and was provided by NBCUniversal for submission in this proceeding (via its parent Comcast Corporation, a named defendant). The Protective Order expressly states that it is intended to protect information concerning affiliation agreements between NBCUniversal entities, NBCSN and Universo, and other distributors.²

5. Finally, as Comcast explained in its Objection, the [[

]].³ The distinction that beIN attempts to draw between NBC owned-and-operated ("O&O") stations and other stations affiliated with NBC is a makeweight. As the Commission well knows, [[

]].⁴

² See Protective Order ¶ 4; *id.*, App. A (preamble); Letter from Michael D. Hurwitz, Willkie Farr & Gallagher, LLP, Counsel for Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 18-384 (Jan. 31, 2019) (submitting the protective order request for Comcast Corporation on behalf of itself as well as its affiliates, which includes NBCUniversal).

³ Comcast Corporation, Objection to Protective Order Access, MB Docket No. 18-384, ¶ 5 (Feb. 21, 2019).

⁴ In its order approving the Comcast/NBCUniversal transaction, the Commission in fact adopted a condition sought by the ABC, CBS, and Fox affiliates associations to safeguard competition between them and Comcast/NBCUniversal not only in NBC O&O markets, but also in NBC *affiliate* markets. See *Applications of*

6. Comcast respectfully asks that the Commission find that Mr. Sahl does not meet the standard set forth under the Protective Order to access Comcast's or NBCUniversal's Highly Confidential Information and require that beIN withdraw Mr. Sahl's Protective Order declaration with prejudice.

Respectfully submitted,



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February 27, 2019

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Comcast Corp., General Electric Co. and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licenses, Memorandum Opinion and Order, 26 FCC Rcd. 4238 ¶ 165 (2011) (discussing condition that prohibited Comcast from “discriminating against ABC, CBS and Fox affiliates in favor of any NBCU O&O or a station affiliated with the NBC . . . network”) (emphasis added).

VERIFICATION OF FRANCIS M. BUONO

I, Francis M. Buono, have read Comcast's Reply to Opposition to Protective Order Access Objection and to the best of my knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and it is not interposed for any improper purpose.

Dated: Washington, DC
February 27, 2019



Francis M. Buono
*Senior Vice President, Legal Regulatory Affairs,
and Senior Deputy General Counsel,
Comcast Corporation*

CERTIFICATE OF SERVICE

I, Samuel Eckland, certify that on this 27th day of February 2019, I caused a true and correct copy of the foregoing Reply to Opposition to Protective Order Access Objection to be served by overnight mail (Confidential Version) and electronic mail (Confidential and Public Versions) on the following:

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Samuel Eckland

February 27, 2019