

increased by nearly { } million subscribers in the second quarter of 2015. Comcast states that its distribution of NBC Universo in the first quarter of 2015 was { } subscribers, while its distribution in the second quarter of 2015 was a similar { } subscribers. Today, Comcast distributes the network to { } subscribers.

76. Comcast denies the statements in paragraph 76 and states that, as discussed in paragraph 74 above, Word incorrectly relies on industry-wide average subscriber fees as evidence of the fees NBC Universo receives from Comcast. Comcast states that, while its treatment of affiliated networks like NBC Universo is irrelevant to its treatment of Word, Comcast has paid increased license fees to scores of unaffiliated networks, even in the face of industry-wide flat or declining TV ratings.

77. Comcast denies paragraph 77.

78. Regarding the first sentence of paragraph 78, Comcast admits that it distributes some of its affiliated networks more broadly than it currently distributes Word, but states that this fact is irrelevant because these affiliated networks are not similarly situated to Word. Regarding the claims in the remaining statements in paragraph 78, Comcast states that Word relies on inaccurate data. There were two affiliated networks in the fourth quarter of 2015 that were distributed to fewer than { } million Comcast subscribers: NBC Universo, approximately { } million subscribers, and Universal HD, approximately { } million subscribers.

79. Comcast denies the claims made in paragraph 79.

80. Comcast denies the first sentence in paragraph 80. The remaining statements are based on agreements and negotiations that speak for themselves.

81. Comcast denies the first sentence of paragraph 81. Comcast denies the characterization of the remaining statements, which relies on testimony taken out of context and is derived in part from a 2008 case that was settled prior to adjudication by the Commission, and from a 2010 case that was vacated by the Court for Appeals for the D.C. Circuit.

82. Comcast denies the claims in paragraph 82 and states that the cited carriage figures for NBC Universo and Oxygen are inaccurate and misleading. Moreover, as a percentage of its total subscribers, Comcast's carriage of these networks is in line with that of other major MVPDs.

83. Comcast denies the premise of and statements in paragraph 83.

84. Comcast denies paragraph 84. Comcast disputes the conclusions in the BIA Kelsey Report for three reasons. First, Comcast states that all of the comparisons that Word's experts purport to make of Comcast's carriage of Word with Comcast's carriage of the dissimilar Comcast-affiliated networks are inapt and immaterial as a matter of law. Second, Comcast states that these comparisons selectively focus on Comcast's carriage of 14 of its affiliated networks in isolation, ignoring the marketplace in which Comcast operates and the fact that Comcast carries *hundreds* of networks – the vast majority of which are unaffiliated – and distributes them more broadly and/or pays higher license fees to dozens of them, as compared to many NBCUniversal networks. In the last several years, Comcast has launched or expanded carriage of many unaffiliated programming peers to NBCUniversal, including Univision Deportes, Galavision, Fox Deportes, Fox Sports 1 (formerly SPEED Network), Fox Sports 2 (formerly known as FUEL TV), FX Movie Channel, Discovery Familia, Discovery Life, and Disney Junior,

among many others. Comcast has also added more than 20 independent networks, a majority of which are tailored to diverse audiences, including Cinema Dinamita USA, Pasiones, V-Me Kids, Kids Central, and Primo TV, and increased the carriage of several diverse networks, including The Africa Channel, TV One, and UP (f/k/a Gospel Music Channel). Third, as detailed above, Comcast reiterates that the report relies on factual inaccuracies, misinterpretations, and misrepresentations. Thus, Comcast states that the BIA Kelsey Report fails to provide any relevant marketplace context to the data it relies upon to jump to its unsupported and incorrect conclusion that Comcast has shown a “preference” for affiliated networks.

85. Comcast admits that the *Comcast-NBCUniversal Order* conditions prohibit discrimination on the basis of affiliation, as that prohibition is embodied in Section 616 of the Communications Act and the Commission’s rules and precedent. Comcast denies the remainder of paragraph 85.

86. Comcast denies paragraph 86 and states that digital distribution rights to programming do not constitute an attributable interest for purposes of establishing affiliation under the program carriage rules.

87. Comcast denies paragraph 87, except to state that the *Comcast-NBCUniversal Order* speaks for itself.

88. Comcast denies paragraph 88.

89. Comcast denies paragraph 89.

90. Comcast denies paragraph 90.

91. Comcast denies paragraph 91, except it states that the *Comcast-NBCUniversal Order* speaks for itself.

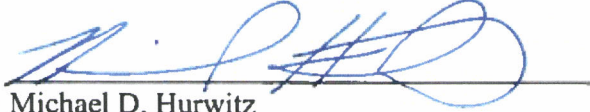
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- 92. Comcast denies paragraph 92.
  - 93. Comcast denies paragraph 93.
  - 94. Comcast denies paragraph 94.
  - 95. Comcast denies paragraph 95.
  - 96. Comcast admits paragraph 96.
  - 97. Comcast denies paragraph 97.
  - 98. Comcast denies paragraph 98, except it states that the order referenced therein speaks for itself.
  - 99. Comcast states it does not have sufficient evidence to admit or deny the statements in the first three sentences of paragraph 99. Comcast denies the statement made in the fourth and final sentence of paragraph 99, and reiterates that Comcast did not demand digital rights to Word's programming.
  - 100. Comcast denies paragraph 100.
  - 101. Comcast denies paragraph 101.
  - 102. Comcast denies paragraph 102.
  - 103. Comcast denies paragraph 103.
  - 104. Comcast denies paragraph 104.
  - 105. Comcast denies paragraph 105.
  - 106. Comcast denies paragraph 106.
- General. Comcast denies any of the allegations in the Complaint that are not addressed in the responses above, and denies that Complainant is entitled to any relief whatsoever.

CONCLUSION

The Complaint should be denied and dismissed with prejudice.

Respectfully submitted,



Michael D. Hurwitz

David P. Murray

Melanie A. Medina

Brenna A. Sparks

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August 7, 2017

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

In the Matter of	)	
	)	
WORD NETWORK OPERATING	)	MB Docket No. 17-166
COMPANY, INC. D/B/A THE WORD	)	
NETWORK,	)	
<i>Complainants,</i>	)	File No. CSR-8938-P
	)	
vs.	)	
	)	
COMCAST CORPORATION	)	
and	)	
COMCAST CABLE	)	
COMMUNICATIONS, LLC,	)	
<i>Defendants.</i>	)	
	)	

**DECLARATION OF FRANCIS M. BUONO**

1. My name is Francis M. Buono. I am Senior Vice President, Legal Regulatory Affairs, and Senior Deputy General Counsel for Comcast Corporation (collectively, with Comcast Cable Communications, LLC, "Comcast").

2. I have read Comcast's Answer 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  
August 7, 2017

  
\_\_\_\_\_  
Francis M. Buono

**REDACTED – FOR PUBLIC INSPECTION**

# **EXHIBIT A**

REDACTED – FOR PUBLIC INSPECTION

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

In the Matter of	)	
	)	
WORD NETWORK OPERATING	)	MB Docket No. 17-166
COMPANY, INC. D/B/A THE WORD	)	
NETWORK,	)	
<i>Complainant,</i>	)	File No. CSR-8938-P
	)	
vs.	)	
	)	
COMCAST CORPORATION	)	
and	)	
COMCAST CABLE	)	
COMMUNICATIONS, LLC,	)	
<i>Defendant.</i>	)	

DECLARATION OF JENNIFER GAISKI

1. My name is Jennifer Gaiski. I am Senior Vice President, Content Acquisition, for Comcast Cable Communications ("Comcast"). My business address is One Comcast Center, Philadelphia, Pennsylvania 19103.

2. I have worked at Comcast since 1997, and have been in my current role since 2007. Within Comcast's larger Content Acquisition group, my current responsibilities include negotiating and administering Comcast's program carriage contracts.

3. I led Comcast's internal review and deliberations in 2016 regarding Comcast's carriage of certain religious networks targeted to the African American community, including The Word Network ("Word"). Working with my team in the Content Acquisition group and other senior Comcast executives, I made the decision to reduce Word's distribution to Comcast subscribers in certain markets and notified Word



of the decision on November 11, 2016. The reduction of Word's distribution took effect on January 12, 2017 in Comcast's Northeast and West Divisions. I also led discussions with Kevin Adell, President and CEO of Word, concerning Comcast's carriage decision.

4. I understand that Word has filed a complaint alleging that Comcast's decision to reduce Word's carriage in certain markets is driven by the fact that Word is not affiliated with Comcast. This allegation is false. Word's lack of affiliation with Comcast did not factor into my or my team's decision-making concerning the carriage of Word in any way. To the contrary, the Content Acquisition group and I made the decision to reduce distribution of Word in certain markets based on an evaluation of Word's programming and the value proposition it offered; the overall mix of religious programming Comcast carries, including other religious networks targeted to the African American community such as The Impact Network ("Impact"); the demand for Word among Comcast's customers in certain regions, markets, and demographics; Comcast's bandwidth constraints; and Word's business relationship with Comcast. Following this analysis, we made the decision to increase the carriage of Impact from approximately { } million to { } million subscribers and to reduce the carriage of Word from approximately { } million to { } million subscribers. Comcast does not own any interest in Impact, and is not affiliated with Impact.

**Comcast's Relationship with Word**

5. Comcast has carried Word since Word launched in 2000. Comcast currently distributes Word pursuant to an agreement executed on September 8, 2000 between Word and Satellite Services, Inc., Comcast's predecessor in interest ("Agreement"), which {

} Word's live

network feed is also available for free via its own website and its app on numerous devices (e.g., Apple, Roku, Chromecast, Android, and Amazon Fire). Comcast has never raised concerns or interfered with Word's online distribution of its programming, nor has it ever been relevant to our consideration of Word.

6. Other than one instance in which Mr. Adell came to Comcast's Philadelphia offices on March 26, 2002 to meet with Comcast programming executives, my understanding is that Mr. Adell has neither requested nor attended any meetings at Comcast's offices between the inception of Word's relationship with Comcast and prior to receipt of the November 11, 2016 letter in which I informed Word of Comcast's decision to reduce Word's carriage, including in the months or years prior to the { } in September 2015. I am not aware of any other Word representatives meeting with Comcast Content Acquisition or division representatives in our field operations. In addition, aside from limited ordinary-course interactions between Word and Comcast's separate business unit, Comcast Technology Solutions, which provides Headend in the Sky or "HITS" service, Word has had very little to no contact with Comcast during two decades of our carriage relationship and generally has not been an engaged programming partner.

**Comcast's Deliberations Regarding Carriage of Word**

7. Comcast's principal objective is to provide an attractive mix of programming at a price that provides a good value proposition to its subscribers.

Comcast faces intense competition for video subscribers from other MVPDs, including telco and DBS providers, as well as overbuilders such as RCN and WOW!. Increasingly, Comcast also faces competition from a number of online video services, which now provide both linear and on-demand programming to viewers readily available over the Internet.

8. In this intensely competitive environment, Comcast must constantly assess how to provide programming that appeals to our customers in packages that customers will find attractive, including particular communities within our customer base that have distinct viewing preferences. Moreover, even though Comcast has substantially increased bandwidth on our systems over the past decade, that bandwidth is not unlimited. Comcast carries hundreds of networks today. There are many more cable and broadcast programmers seeking carriage than our bandwidth allows, particularly as more capacity is used for high-speed broadband service. Given these constraints and to allow for marketplace opportunities, we continuously evaluate the programming lineup for our subscribers and strive to select programming that will keep them loyal Comcast customers. Proactively managing our channel lineup also gives us flexibility to accommodate new carriage opportunities in the future that may be appealing to our customers, especially as the competitive market for video programming services continues to evolve.

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9. In 2016, as a part of this ongoing evaluation of the programming that we offer our customers, the Comcast Content Acquisition group reviewed the various religious networks carried by Comcast, all of which are unaffiliated with Comcast, particularly with an eye to how they were appealing to African American customers. This review involved an examination of the networks, in particular Word and Impact, their respective programming offerings, consumer interest and demand for such programming in particular regions, and the networks' level of engagement with Comcast and the local communities where they are carried. The review had nothing to do with affiliation or non-affiliation; Comcast does not own any interest in a religious network, or in any network targeted to the African American community.

10. As part of this process, I reviewed the results of third-party research conducted between June 21 and July 13, 2016 studying viewing preferences among African American pay-TV consumers. The survey results showed that Comcast carries multiple religious networks that are popular among African American customers, including Trinity Broadcasting Network ("TBN"), Inspiration Network, Daystar, Hillsong Channel, and BET Gospel. It also demonstrated that other religious networks had greater reach, as well as higher intensity viewership (i.e., customers consider it to be "must-have" programming), among African American viewers than Word.

11. In addition, I reviewed research and analysis of the programming available on religious networks, including Word and Impact, prepared by members of my team. The research showed that many of these religious networks carried by Comcast feature content that substantially overlapped with that of Word. Specifically, Comcast's internal research showed that at least 25 of the ministries that appear on Word also appear on

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other networks carried by Comcast. For example, Daystar features Joyce Meyer, Creflo Dollar, Bill Winston, Fred Price, Joel Osteen, Pastor T.D. Jakes, and others; TBN features Joel Osteen, Creflo Dollar, and T.D. Jakes; and Hillsong Channel features Joyce Meyer and Joel Osteen. Many of these same ministers are also available on local religious broadcast stations that Comcast carries in nearly every market. Impact likewise features programming from several of the major personalities also appearing on Word, such as Pastor T.D. Jakes, Joyce Meyer, and Paula White. Given the substantial overlap in content with other networks, I concluded that there were adequate substitutes for Word viewers if Word was no longer available on Comcast systems in certain markets. This appeared likely to be the case even without expanding distribution of Impact.

12. The research also demonstrated that Impact offers a broader selection of programming spanning a greater variety of sub-genres than Word, which primarily features ministers that pay Word for air time. For example, in addition to ministry-focused programming, Impact offers an ever-growing array of original programming, including cooking, money management, comedy, and advice shows, among many others. Impact indicated in discussions with us that it was planning to continue to grow this content (as well as attract additional ministers to its lineup). I concluded that this broader selection of programming would offer our customers additional options and value beyond the ministry-focused programming available on Word.

13. Beyond these factors, Impact, in contrast to Word, is an African American owned and operated independent network, which adds to the diversity of independent programming that Comcast offers.

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14. In addition, Impact has made significant efforts to engage Comcast customers in local communities, enhancing the value of its carriage there. To name just a few examples, Impact partnered with the Detroit Pistons to host and co-brand an event with Comcast that brought an award-winning gospel duo, Mary Mary, to customers in Detroit. In addition, Impact has been active in promoting Comcast's Internet Essentials program, which has connected millions of low-income Americans to the power of the Internet.

15. Based on the research and analysis my team had performed, and after discussions with executives in the regions where Comcast carried Word, my team and I made the decision to increase carriage of Impact and to reduce carriage of Word in certain markets. Specifically, the Central Division, which includes Word's home market in Detroit and had the necessary bandwidth, chose to continue to carry Word and also launch Impact on or around December 13, 2016. The Northeast and West Divisions were to launch Impact on or around January 12, 2017 and fully switch Impact's carriage for Word on those systems. At that time, Impact was carried to approximately { } million subscribers in the Heartland Region within the Central Division. Upon completion of the planned rollouts, Impact's carriage was to expand to approximately { } million subscribers nationally, while Word's carriage would be reduced from approximately { } million subscribers to approximately { } million subscribers. This resulted in a net increase of approximately 3 million subscribers receiving the Word, Impact, or both.

**November 11, 2016 Notice and Word Response**

16. On November 11, 2016, I sent a letter, via fax, to Kevin Adell to notify Word in advance of our decision to remove the network from Comcast systems in the Northeast and West Divisions.

17. On November 14, 2016, Mr. Adell called and asked for an immediate phone call that day. Justin Smith (Senior Vice President, Content Acquisition) and I accommodated him by speaking to him that afternoon. During that call, we explained to Mr. Adell the reasons for our decision. Mr. Adell requested an in-person meeting. Such meeting was scheduled for the following week on November 22, 2016. In advance of the meeting, I met with my team, including Keesha Boyd (Executive Director, Multicultural Services) and Javier Garcia (Senior Vice President and General Manager, Multicultural Services), to review our prior research and analyses on Word.

**November 22, 2016 Meeting with Word**

18. On November 22, 2016, Kevin Adell and John Mattiello (Director of Marketing, Word) came to Comcast's headquarters in Philadelphia to meet. For Comcast, the meeting attendees were Justin Smith, Sarah Gitchell (Senior Vice President, Deputy General Counsel and Chief Counsel, Content Acquisition), Keesha Boyd, Bret Perkins (Vice President, External and Government Affairs), Antonio Williams (Director of Governmental and External Affairs), Javier Garcia, and me.

19. During the meeting, Mr. Adell provided details about Word and highlighted its role and brand in the African American community. Mr. Adell emphasized that his network provided a platform for ministers to reach their constituents and that he was not highly involved in selecting the programming that appeared on the

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network. During the presentation, Mr. Adell showed short videos about Word's programming. At no time during this video did I make disparaging remarks about the presentation or the programming shown in the videos, much less about any individuals featured in them.

20. I explained to Mr. Adell that Comcast's decision to reduce Word's carriage was not made lightly, and that Comcast looks for, among other things, content differentiation and variety. I pointed out that many of the ministers featured on Word also appear on other networks. Mr. Adell argued that TBN and other networks are not targeted to African Americans, but I told Mr. Adell that audience research demonstrated that more African Americans watch TBN than Word.

21. Mr. Adell also mentioned that Word pays for distribution on HITS. HITS is part of an entirely separate Comcast business unit, Comcast Technology Solutions, and provides video delivery (i.e., transport) services. HITS delivers Word's programming to only { } Comcast systems serving approximately { } subscribers in total. Its primary benefit is the delivery of Word to dozens of other, smaller cable operators serving over { } systems and over { } of their customers. Word's transport arrangement with HITS is not part of the parties' Agreement. Rather, this arrangement is governed by an entirely separate agreement and was irrelevant to our consideration of Word's carriage. I explained these facts to Mr. Adell during our meeting.

22. Mr. Adell asked if Comcast's carriage decision was final, and I informed him that the decision had been made, but that we were there to listen and reconsider in the spirit of partnership. Mr. Mattiello asked if Word could discuss maintaining carriage



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directly with the individual cable systems and local executives, and I confirmed Word was free to do so. I also told Mr. Adell that we would consult with our local markets and consider Word's request to maintain carriage on some of the systems set to drop the network, and that we would call in one or two weeks with an update on that effort.

23. I understand that Word has alleged that the reason I provided for the reduction in Comcast's carriage was "[b]ecause we are Comcast, and we can." This claim is false. I did not make that statement or anything like it. Nor did I or anyone else at Comcast say or do anything coercive or threatening, or anything that could reasonably be construed as such. During the November 22 meeting, each Comcast executive that attended was engaged, thoughtful, and respectful to Mr. Adell and Mr. Mattiello. As discussed above, I explained in a matter-of-fact manner Comcast's reasons for reducing distribution of Word.

24. I further understand that Word has alleged that Comcast made a demand that Word relinquish its exclusive digital rights at the November 22 meeting. This claim is also completely false. At no point during the meeting did I or anyone else at Comcast make such a demand. It would not have made any sense for me or anyone on my team to seek such rights (much less demand them). Comcast was interested in *reducing* our distribution of Word, not obtaining additional distribution rights.

25. Separately, and in addition to our meeting with Mr. Adell and Mr. Mattiello, Bishop Charles H. Ellis, III, presiding bishop of Pentecostal Assemblies of the World, Inc., called me on November 15, 2016 to discuss Word. Such third-party calls with community leaders and government officials are commonly handled by our Governmental and External Affairs teams, who regularly interact and conduct outreach

with such individuals. The Governmental and External Affairs teams also regularly report on these interactions and communicate necessary information to the Content Acquisition team. On November 23, 2016, I forwarded Bishop Ellis's information to Antonio Williams, who had been present at the November 22 meeting with Mr. Adell, to return Bishop Ellis's call. Mr. Williams kept me apprised of his communications with Bishop Ellis.

**Subsequent Interactions Regarding Word**

26. Following the November 22 meeting, my team and I began to inquire with regional Comcast managers to determine if any particular markets were willing to consider the possibility of continuing to carry Word. Both I and members of my team contacted them by phone to begin preliminary discussions.

27. On November 30, 2016, the Wednesday following the Thanksgiving holiday, Justin Smith and I participated in a telephone call with Mr. Adell and Mr. Mattiello at the urgent request of Mr. Adell. Mr. Adell began the call by informing us that the broadcast TV station he owns, WADL (serving Detroit, Michigan), would not renew its deal with NBCUniversal to carry certain NBCUniversal programming. Mr. Adell also told us he was running ads against Comcast on his radio station, WFDF (also serving Detroit), and was planning a protest outside Comcast's headquarters for December 2, 2016.

28. We reiterated that we were continuing internal discussions regarding whether to maintain Word in additional markets. Mr. Adell demanded more specific information. We explained to Mr. Adell that there had been only a few working days since our previous meeting due to the intervening Thanksgiving holiday, so we did not

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yet have a final answer. Mr. Adell did not respond and instead abruptly hung up on us.

Mr. Adell has not reached out to Comcast since that call.

29. In the weeks that followed, rather than engage with my team in a constructive manner, Mr. Adell took additional steps to damage our business relationship that further confirmed a reasonable path forward with Word would be untenable. For example, immediately following the November 30 call, Word launched a misleading publicity campaign that encouraged Word customers to complain to Justin Smith and me directly and publicized our direct telephone numbers and email addresses. Word also organized protests at Comcast's headquarters in Philadelphia in December 2016 and January 2017. I understand from news reports that protestors were offered payment and free transportation to spend the day picketing.

30. More troubling, in early January 2017, Word published a letter on its website that purported to be from Reverend Al Sharpton accusing Comcast of violating its Memorandum of Understanding with African American leadership organizations in the Comcast-NBCUniversal transaction ("MOU"). On January 11, 2017, Reverend Sharpton sent Mr. Adell a letter advising that Mr. Adell had "misinformed" him regarding the facts and had "altered [the] letter without [his] consent." Reverend Sharpton's letter further stated that Comcast had not made any changes that undermined its commitment to the African American community or violated the MOU and directed Mr. Adell to cease such misrepresentation. Despite these demands, Word left the offending letter on its website for months.

**Minimal Customer Response**

31. Comcast experienced very minimal negative customer response as a result of the reduction in Word's carriage. Comcast received the vast majority of customer messages prior to the drops, and many came from customers residing in areas where Comcast did not have plans to reduce Word's distribution, such as Detroit in Comcast's Central Division (where Mr. Adell was running ads on his radio station, in addition to Word, encouraging customers to contact and/or leave Comcast). Following the reduction in Word's carriage in January 2017, we received fewer than 50 emails or messages in total from the approximately { } million customers in the affected local markets. Meanwhile, Comcast has received positive customer feedback for increasing distribution of Impact.

32. I am satisfied with the decision the Content Acquisition team made after careful deliberation to increase carriage of Impact and to reduce carriage of Word. The team and I continue to believe that our adjustments to the mix of programming offered benefits to our customers and increased the choices and value of the content we provide to them.

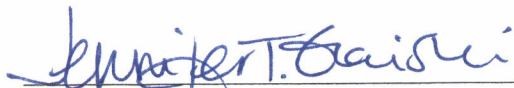
33. Notably, since these adjustments were made, Impact has continued to engage in proactive efforts to enhance its partnership with Comcast. For example, in April 2017, without any request from Comcast, Impact reached out to us to participate in Comcast Cares Day, an event that aims to help improve communities around the world through volunteer efforts by Comcast employees and friends. Impact employees spent the day painting schools in local communities as part of the event. Impact's continued commitment to engaging with the communities and customers it serves underscores one

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of the reasons why I am proud to give voice to and build a business partnership with the network.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Philadelphia, Pennsylvania  
August 3 2017

  
Jennifer Gaiki

# **EXHIBIT B**

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

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	)	
WORD NETWORK OPERATING	)	MB Docket No. 17-166
COMPANY, INC. D/B/A THE WORD	)	
NETWORK,	)	
<i>Complainant,</i>	)	File No. CSR-8938-P
	)	
vs.	)	
	)	
COMCAST CORPORATION	)	
and	)	
COMCAST CABLE	)	
COMMUNICATIONS, LLC,	)	
<i>Defendant.</i>	)	
<hr/>	)	

**DECLARATION OF JUSTIN SMITH**

1. My name is Justin Smith. I am Senior Vice President, Content Acquisition, for Comcast Cable Communications ("Comcast"). My business address is One Comcast Center, Philadelphia, Pennsylvania 19103.

2. I have worked at Comcast since 2006, and have been in my current role since 2014. Within Comcast's larger Content Acquisition group, my current responsibilities include negotiating and administering Comcast's program carriage contracts. Since joining Comcast in 2006, I have also held the following positions: Senior Vice President and General Counsel, Comcast Programming Group; and Vice President, Senior Deputy General Counsel and Chief Joint Venture Compliance Officer.

3. I participated in Comcast's internal review and deliberations in 2016 regarding Comcast's carriage of certain religious networks targeted to the African American community, including The Word Network ("Word"). As part of these efforts, we analyzed Word's



programming and how it compares with the programming of other religious networks carried by Comcast, such as The Impact Network ("Impact"); customer demand for Word; and Word's track record with us as a partner in the community. Our internal analyses of the programming carried by Word and other networks showed considerable overlap. Numerous ministry programs featured on Word are also available on other networks and local broadcast stations that Comcast carries. Third-party audience research commissioned by Comcast further demonstrated that other religious networks had greater reach and higher intensity viewership than Word among African American viewers.

4. Following these efforts, and after careful consideration and deliberation, the Content Acquisition group made the decision to increase carriage of Impact and to reduce Word's carriage in certain markets. Specifically, we added Impact to Comcast systems in the Northeast and West Divisions and removed Word from those systems. We gave Word advance notice of the decision on November 11, 2016. The reduction of Word's carriage took effect in Comcast's Northeast and West Divisions on January 12, 2017. Word's lack of affiliation with Comcast had no bearing on this carriage decision.

5. On November 14, 2016, Jennifer Gaiski, Senior Vice President, Content Acquisition, and I spoke with Mr. Adell and explained the reasons for Comcast's decision. On November 22, 2016, at Mr. Adell's request, he and John Mattiello (Director of Marketing, Word) came to Comcast's headquarters in Philadelphia for an in-person meeting. The Comcast representatives in attendance were Jennifer Gaiski, Sarah Gitchell (Senior Vice President, Deputy General Counsel and Chief Counsel, Content Acquisition), Keesha Boyd (Executive Director, Multicultural Services), Bret Perkins (Vice President, External and Government Affairs), Antonio Williams (Director of Governmental and External Affairs), Javier Garcia

(Senior Vice President and General Manager, Multicultural Services), and me. During this meeting, Comcast again explained the reasons for its decision to reduce Word's carriage. Word made its case for continued carriage, and Comcast agreed to consider Word's presentation and review the possibility of continuing carriage in certain markets after further consultation with our systems.

6. At no time during the November 14 call or the November 22 meeting did Ms. Gaiki or any other Comcast representative demand digital distribution rights to Word's programming. Nor did I hear Ms. Gaiki make any disparaging remarks about Word's presentation or the programming shown in the videos, or any individuals featured in them.

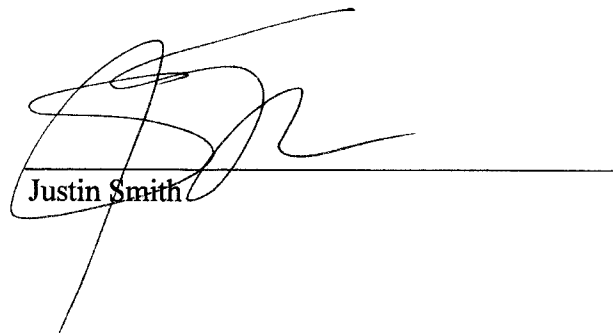
7. I understand that Word also has alleged that the reasons Ms. Gaiki provided for the reduction in Comcast's carriage was "[b]ecause we are Comcast, and we can." This claim is false. I was present throughout the November 14 call and November 22 meeting with Word. I did not hear Ms. Gaiki say these words or anything remotely similar to them.

8. On November 30, 2016, Ms. Gaiki and I participated in a telephone call with Mr. Adell and Mr. Mattiello. During the call, Mr. Adell informed us that the broadcast TV station he owns, WADL (serving Detroit, Michigan), would not renew its agreement with NBCUniversal to carry certain NBCUniversal programming. Mr. Adell also told us he was running ads against Comcast on his radio station, WFDF (also serving Detroit), and was planning a protest outside Comcast's headquarters for December 2, 2016. We reiterated that we were continuing internal discussions regarding maintaining Word in additional markets. Mr. Adell demanded more specific information. We explained to Mr. Adell that there had been only a few working days since our previous meeting due to the intervening Thanksgiving holiday. As a result, we explained that we did not yet have a final answer regarding which markets might be good

candidates to continue carrying Word. Mr. Adell seemed to become even more angered by this statement because he said nothing further and promptly hung up on us. Mr. Adell has not reached out to us since that call.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: Philadelphia, Pennsylvania  
August 3, 2017



Justin Smith

# **EXHIBIT C**

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

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In the Matter of	)	
	)	
WORD NETWORK OPERATING	)	MB Docket No. 17-166
COMPANY, INC. D/B/A THE WORD	)	
NETWORK,	)	
<i>Complainant,</i>	)	File No. CSR-8938-P
	)	
vs.	)	
	)	
COMCAST CORPORATION	)	
And	)	
COMCAST CABLE	)	
COMMUNICATONS, LLC,	)	
<i>Defendant.</i>	)	
<hr/>	)	

**DECLARATION OF KEESHA BOYD**

1. My name is Keesha Boyd. I am Executive Director, Multicultural Consumer Services for Comcast Cable Communications ("Comcast"). My business address is One Comcast Center, Philadelphia, Pennsylvania 19103.
2. I have worked at Comcast since July 2005, and have been in my current role since November 2014. My current responsibilities include managing relationships with dozens of our multicultural programming partners and ensuring that Comcast delivers attractive programming packages to our diverse customer communities.
3. I participated in Comcast's internal review and deliberations in 2016 regarding Comcast's carriage of certain religious networks targeted to the African American community, including The Word Network ("Word"). The Content Acquisition group made the decision to increase distribution of The Impact Network ("Impact"), an independent African American owned and operated religious network. Comcast also made the decision to reduce Word's

carriage in certain markets to Comcast subscribers. Comcast notified Word of the decision on November 11, 2016.

4. Prior to this decision, as part of a more general review of program packaging for various Comcast services, I was asked by my colleagues in Content Acquisition to gather and review relevant research about the viewing habits of African American pay-TV subscribers and the appeal of certain programming targeted to the African American community.

5. In particular, I reviewed the results of third-party research conducted between June 21 and July 13, 2016. Comcast commissioned this research specifically to examine viewing preferences among African American pay-TV consumers. The survey results showed that Comcast carries multiple religious networks that are popular among African American customers, including Trinity Broadcasting Network, Inspiration Network, Daystar, Hillsong Channel, and BET Gospel. The survey results further showed that other religious networks had greater reach, as well as higher intensity viewership, among African American viewers than Word.

6. I participated in the November 22, 2016 meeting with Kevin Adell and John Mattiello of Word at Comcast's headquarters in Philadelphia, along with several other Comcast representatives: Jennifer Gaiski (Senior Vice President, Content Acquisition), Justin Smith (Senior Vice President, Content Acquisition), Sarah Gitchell (Senior Vice President, Deputy General Counsel and Chief Counsel, Content Acquisition), Bret Perkins (Vice President, External and Government Affairs), Antonio Williams (Director of Governmental and External Affairs), and Javier Garcia (Senior Vice President and General Manager, Multicultural Services). During the November 22, 2016 meeting, Comcast again explained the reasons for its decision to reduce Word's carriage. Mr. Adell and Mr. Mattiello urged Comcast to maintain its carriage of

Word and discussed possible partnership opportunities with Comcast in the future. Comcast agreed to consider Word's presentation and to consult with local systems about the possibility of continuing carriage in certain markets.

7. During the meeting, Mr. Adell stated that he was the "chosen one" to provide a platform for more ministers on TV. At one point during the meeting, I mentioned the audience research I reviewed. Mr. Adell stated he knows what appeals to the African American community, suggesting that I did not. As an African American with formal training and research expertise in the area of African American media consumption habits, I found this comment to be both untrue and inapplicable to me.

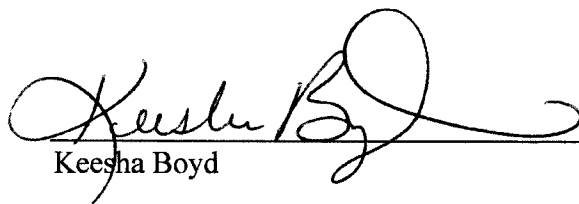
8. I understand that Word has alleged that, during the November 22, 2016 meeting, Comcast made a demand that Word relinquish its exclusive digital rights. That claim is false. I was present during the entire meeting. At no point during the meeting did Ms. Gaiki or any other Comcast representative demand digital rights.

9. I further understand that Word also has alleged that Ms. Gaiki stated that Comcast was reducing carriage of Word "[b]ecause we are Comcast, and we can," and that Ms. Gaiki made disparaging remarks about programming on the videos Word showed as part of its presentation. These claims are also false. At no time during our discussions did Ms. Gaiki state "[b]ecause we are Comcast, and we can" (or any statements like that) as the reason for reducing carriage of Word. Nor did she make any disparaging remarks about Word's video presentation.



I declare, under penalty of perjury, that the foregoing is true and correct.

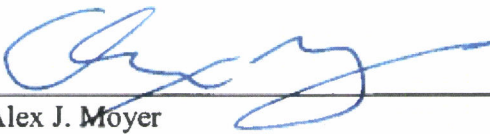
Dated: Philadelphia, Pennsylvania  
August 3, 2017

  
Keesha Boyd

### CERTIFICATE OF SERVICE

I, Alex J. Moyer, certify that on this 7<sup>th</sup> day of August 2017, I caused a true and correct copy of the foregoing Answer to Complaint, as well as a copy of the redacted version thereof electronically filed with the Commission this day, to be served by overnight mail and electronic mail on the following:

Markham C. Erickson  
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1330 Connecticut Ave, N.W.  
Washington, DC 20036  
(202) 429-3000  
*Counsel to Word Network Operating  
Company, Inc. d/b/a The Word Network*



Alex J. Moyer

August 7, 2017