

**Before the  
FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of )  
 )  
Applications of Comcast Corp. and )  
Time Warner Cable Inc. for Consent to ) MB Docket No. 14-57  
Transfer Control of Licenses and Authorizations )

**PETITION TO DENY OF TVC UNITED STATES, INC.**

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September 23, 2014

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## EXECUTIVE SUMMARY

The proposed merger between Comcast Corporation (“Comcast”) and Time Warner Cable, Inc. (“TWC”) should be rejected by the Federal Communications Commission (“FCC” or “Commission”).

This proposed merger is harmful to several competitors and business of the like within the industry. Specifically in our case a privately minority owned Latino network. The power and dominance these firms would gain after merging put at risks companies like ours. It would significantly reduce our viewership and and pose a risk to our existence. In other words, if our network is rejected and denied access to be broadcast on Comcast as the industry stands now we have other viable options such as other cable providers or other internet streaming applications. However this won't be the case if the merge occurs and they dominate the market, if we are not broadcasted by the combined entity we would lose a significant number of the television audience that we won't be able to survive without coverage on Comcast.

This new combined entity would have the ability through access fees and by other means—to harm competitors including networks, other cable providers, and Internet companies, such as online video distributors (“OVDs”), which they view as competitors.

In addition, gain control and have ability to control as to what content programming will be watched by Latino community. If both entities merge they will acquire up to 90% of latino subscribers.

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|                         | ) |                     |
| Time Warner Cable Inc., | ) |                     |

**PETITION TO DENY**

**I. INTRODUCTION**

TVC United States, Inc., an independent television network, respectfully and with great concern files this petition to deny of the proposed merger of broadcasting firms Comcast Corp., and Time Warner Cable (“TWC”). By allowing this merger to proceed it would ultimately harm and have a negative impact on competition, minority owned and independent networks, and restrict the media content channels available to the public.

The Commission already has determined that Comcast has the ability to discriminate against Latino channels thus Comcast was asked in 2011 as a condition they must carry three new additional latino channels. However, channels are not true latino networks because they are not owned and operated by minority community of Latinos. Approving the proposed merger would only limit the latino community as to what content they have access to.

If this transaction goes through without stipulation is a huge damage impact and set back for the Latino community. The FCC is not capable to monitor and follow up on a simple (MOU) to make sure there was compliance. There are only a few of small media minority owned left now, the majority have totally extinguish by now, and after merge without compromise of real local television network it will no longer exist. It is crucial to point out that any Latino networks that exist now on the applicants national carriage are not owned and controlled by Latinos. Some networks simply use the name of Latino celebrity such El Rey Network- Robert Rodriguez and NOBU- Jennifer Lopez however keep in mind it is not owned or even operated by them.

The difference of network that is independently owned is that it brings education, jobs, opportunity for local programs and opportunity for hollywoods Latino talent. TVC serves the local community and has been denied carriage by Comcast and TW. TVC helps candidates to transmit their message to Latinos in their own language. TVC, is the only Latino Network who owns local soccer league. TVC offers viewers and consumers the opportunity to advertise and buy at a lower cost since we have the reasonable prices to help promote incubator entrepreneurship. TVC helps local community by keeping jobs here at the community. TVC is stepping stones for Latino media anchors interns from local college university. TVC is committed to support veterans like no one else will.

TVC is the voice of the local Latino Community, we support local elections for local officials, TVC supports Latin American immigrants. Therefore, TVC understands the United States Latino culture more than any other large Latino corporation. Since TVC is on the trenches we live, eat, suffer, enjoy, play with them.

## II. ARGUMENT

According to Comcast and TWC this merger between both companies would not affect competition as they will be competing in different territories. This is clearly not true, currently Comcast and TWC already dominate a large portion of the market and with this merge it will only solidify their advantage and control. Thus, negatively affecting independent networks by impeding them to be widely distributed and obtain viewership if not carried by these cable providers. In other words, if Comcast and TWC refuse to carry a broadcast network they will not be able to compete as not being carried by Comcast or TWC means the broadcaster will miss a large portion of national viewers.

Furthermore, small competitors and independently owned networks will be negatively affected as they are often ignored. TVC United States, Inc., a minority independently owned network, has in numerous attempts presented the network and it's widely diversified content directed to a Hispanic

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TVC United States, Inc., a spanish independently minority owned network broadcasting in the United States.

community and has been time after time denied with not a justifiable excuse. At least, currently we are currently able to compete and survive as an independently owned network if we are not able to penetrate the national viewers on Comcast and TWC we still can be carried by smaller cable providers. However, if Comcast and TWC merge than a company as ours will not be able to survive by missing such a large share of viewers. The applicants will hold 90% of all latino subscribers. It would give a single company control over the industry and that much control is catastrophic for smaller competitors.

#### **PROGRAMMING COMPETITOR**

Comcast Corp., also identified as NBC Universal owns its own broadcasted networks which directly makes them a competitor to broadcaster's specifically Hispanic networks in this case. NBC Universal Television Group, is owner of American Spanish television network Telemundo. Not only will Comcast compete with other cable providers but also broadcasters.

This will also present a restriction of content to viewers, currently Telemundo airs widely popular television show "El Senor de los Cielos" that displays and promotes drug cartels. With such a small selection of Spanish television shows, Hispanics viewers should be entitled to educational yet entertaining content not degrading. The American Spanish television industry is young and limited with content. And a latino minority owned and operated network has the best interest in providing relevant and positive options for its own community. Allowing such a large company such as Comcast to have control of what channels and content is carried is concerning. By allowing this the FCC would be failing to protect minority media programming aired and offered for the second language. It is concerning that FCC has not been able to regulate and impose regulations to protect small minority media companies along with minority consumers.

FCC shall stipulate on any merge of the fair cable carriage of minority owned networks to open more opportunities for minorities.

a. For example the FCC inability to protect minority and independently owned channels is clear when FCC and cable companies impose unfair restrictions to broadcasted channels by requiring channels to own an FCC antenna signal or lease a signal for up to \$200,000 US Dollars in order to be carried by cable. This requirement makes it impossible for independant channels including approximately 95% of independtly owned Latino television channels have gone bankrupt.

#### **COMPETITIVE EFFECT OF THIS TRANSITION**

TVC+ Latino started as Vmas TV about 8 years ago. Vmas TV, at one point became aware about NBC / Comcast's merger and understood the MOU signed between Latino coalitions, meaning Vmas would be allowed to present our presentation to Comcast. However, Vmas TV was then denied by Comcast.

FCC recently stated that in order for a television network to be successful they must have 23 million viewers in order to be able to sell and hire the needed people and pay them to stay in business. Without cable carriage and without FCC to make it easier for minority TV networks we cannot exist, they have all declared bankrupt and only 5% have survived, this model and restrictions set are unfair and makes it impossible for smaller networks to educate, inform viewers and create new talents and new successful political candidates. We only oppose the merge, because we are just asking for fair competition.

Furthermore, this will dramatically affect minority communities. With such control over the industry Comcast and TWC will be able to offer competitive prices and gain minority communities as larger number of its subscribers. Minority communities will be misrepresented by such networks like NBC Universal.

If more American minority owned networks were carried and broadcasted there would be better representation and more options for content available to minority communities such as Hispanic community. Cable providers have the power to restrict competitive content media, and in this case Comcast has its own interest as a network. Comcast and TWC control and size would give it excessive power to regulate what programming is worth carrying, and at what cost to the program content provider. Thus, content providers such as TVC with a smaller audience will find it more difficult to affordably reach their viewers.

As a proposed solution Comcast and TWC should be prevented from merging due to the negative affect and the monopolistic power it will give such companies. So much power given to one company is unreasonable and devastating for smaller independent networks that have struggled to survive without the support of large companies like these.

### **III. CONCLUSION**

After 8 years of hard work and of providing free TV coverage for community events, immigration issues, community disasters, candidate events to help them be competitive and give them the exposure and opportunity to transmit their message across to the community and much

more. Now, if this merger goes through without the FCC protection for minority to own and control local cable channels, TVC will not exist and there will be no proper service to the minority citizens compared to the Anglo community. This transition without fair compromise stipulated and supervised by FCC, will harm minority owned networks. This will lead us to foreclose TVC and if this happens it will harm the viewer since Comcast is now harming the community by allowing Telemundo to expose ideas of drug lords in Mexico and how they are becoming rich the wrong way.

b. TVC asks for you to consider TVC's petition to deny if Comcast continues to not allow us to exist by carrying TVC in Comcast at no charge, TVC asks Comcast not to pay TVC per subscriber but only to help us to be better partners.

The foregoing declaration has been prepared using facts of which I have personal knowledge or based upon information provided to me. I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on September 23, 2014.

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Jose Aquino  
President  
TVC United States, Inc.

## CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of September 2014, I caused a copy of the foregoing Petition to Deny of TVC United States, Inc. to be filed electronically with the Commission using the ECFS system and caused a copy of the foregoing to be served upon the following individuals by Courier or First Class Mail:

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Sincerely,

Marcelo Mata  
Process of Service  
TVC United States, Inc