

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Applications of)	
)	
Comcast Corporation and Time Warner Cable Inc.)	MB Docket No. 14-57
Charter Communications Inc. and SpinCo)	
)	
For consent to Assign Licenses)	
or Transfer Control of Licensees)	

**RESPONSE TO OBJECTIONS TO REQUEST FOR ACCESS TO
HIGHLY CONFIDENTIAL INFORMATION AND
VIDEO PROGRAMMING CONFIDENTIAL INFORMATION**

Monumental Sports and Entertainment (“MSE”), by its attorneys, hereby responds to the separately filed objections (the “Objections”) of Discovery Communications, LLC (“Discovery”)¹ and a group of content companies (i.e., CBS Corporation, Scripps Networks Interactive, Inc., The Walt Disney Company, Time Warner Inc., Twenty First Century Fox, Inc., Univision Communications Inc., and Viacom Inc.) (collectively, such content companies and Discovery hereinafter referred to as the “Content Companies”) in the above-captioned proceeding.² The Objections were filed by the Content Companies on October 20, 2014 seeking to prevent MSE’s two outside counsel from accessing any Highly Confidential Information (“HCI”) and Video Programming Confidential Information (“VPCI”) submitted by any party in

¹ Objection to Request for Access to Highly Confidential Information and Video Programming Confidential Information, Docket No. 14-57, filed by Discovery Communications, Inc. (Oct. 20, 2014) [hereinafter *Discovery Objection*].

² Objection to Request for Access to Highly Confidential Information and Video Programming Confidential Information, Docket No. 14-57, filed by CBS Corporation, et al. (Oct. 20, 2014) [hereinafter *Content Companies Objection*].

this proceeding. As set forth more fully herein, these Objections are unfounded as applied to MSE's outside counsel and should be denied.

MSE's outside counsel understands and respects the interest of the Content Companies in limiting disclosure of their carriage agreements and associated negotiation documents (*i.e.*, VPCI) given the competitively sensitive nature of such material. However, the Content Companies disregard the fact that by signing the Acknowledgement of Confidentiality ("Acknowledgement"), each of MSE's outside counsel has agreed to abide by the requirements of the Modified Joint Protective Order, which are designed to ensure that competitively sensitive information will not be disclosed to MSE. Indeed, the individuals representing MSE are qualified under the terms of the Modified Joint Protective Order to view HCI and VPCI information because they are outside counsel for MSE and are in no way involved in competitive decision making for MSE,³ a fact that is overlooked in the Objections.

Notably, the Content Companies do not specify with particularity the basis for their objection to the disclosure of HCI or VPCI to MSE's outside counsel. Nor do the Content Companies limit their Objections to disclosure of their own HCI or VPCI, as allowed by the Modified Joint Protective Order.⁴ Rather, the Content Companies assert an overly broad, general objection against disclosure of all HCI and VPCI produced by any party in this proceeding. Importantly, MSE's outside counsel are not interested in reviewing and have no intent to review any HCI or VPCI in which any of the Content Companies are parties or which includes confidential material regarding the Content Companies. The Content Companies have no standing or basis to object to MSE's outside counsel review of HCI and VPCI that does not

³ See Applications of Comcast Corp. and Time Warner Cable Inc. for Consent to Assign or Transfer Control of Licenses and Authorizations, Order, DA 14-1463, ¶ 7 (Media Bur. Oct. 7, 2014) [hereinafter *Modified Joint Protective Order*].

⁴ See *Modified Joint Protective Order* at ¶ 8 (providing a Third Party Interest Holder with the opportunity to object to disclosure of *its* Confidential Information and Highly Confidential Information).

contain the Content Companies' confidential or highly confidential information.⁵ On the other hand, MSE's outside counsel's access to HCI and VPCI in which the Content Companies do not have a confidentiality interest is both critical and time-sensitive because without this access MSE will be materially prejudiced in its ability to meaningfully comment and participate in this proceeding. Accordingly, the Objections should be denied as overly broad.

Based on the foregoing, at least insofar as it relates to MSE's outside counsel, the relief requested in the Objections should be promptly denied.

Respectfully submitted,

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October 24, 2014

⁵ *Id.*

CERTIFICATE OF SERVICE

I, Dayle Jones, hereby certify that on this 24th day of October, 2014, I caused true and correct copies of the foregoing RESPONSE TO OBJECTIONS TO REQUEST FOR ACCESS TO HIGHLY CONFIDENTIAL INFORMATION AND VIDEO PROGRAMMING CONFIDENTIAL INFORMATION to be filed via the Federal Communications Commission's ECFS and served by electronic mail to the following:

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