

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

In the Matter of	)	
	)	
Applications of	)	MB Docket No. 14-90
AT&T, Inc. and	)	
DIRECTV	)	
	)	

**REPLY OF HILTON WORLDWIDE, INC. TO  
AMERICAN CABLE ASSOCIATION OPPOSITION TO OBJECTION  
TO DISCLOSURE OF STAMPED HIGHLY CONFIDENTIAL DOCUMENTS AND  
HIGHLY CONFIDENTIAL INFORMATION**

Hilton Worldwide, Inc. (“Hilton”), hereby replies to the October 27, 2014 Opposition of American Cable Association (“ACA”) to Hilton’s Objection to Disclosure of Stamped Highly Confidential Documents and Highly Confidential Information to, among other parties, ACA (“Objection”), which Hilton filed October 17, 2014, pursuant to the Modified Joint Protective Order, DA 14-1465, released October 7, 2014, in the above referenced proceeding (“MJPO”).

**I. ACA DOES NOT DENY HILTON’S SUBSTANTIVE GROUNDS FOR OBJECTION, AND ITS PROCEDURAL ARGUMENT IS MERITLESS**

As shown in the objection, the high-speed Internet service that Hilton receives from AT&T is a critical input to one of the key factors on which hotels compete with each other for customers – access to the Internet. Accordingly, the rates, terms and conditions under which Hilton receives service from AT&T fall into the very highest category of competitive sensitivity for Hilton. As Hilton explained, even the slightest chance that such information is leaked by a participant in this proceeding raises an unacceptable risk of substantial competitive harm to Hilton. As Hilton further showed,

the value of this granular information to participants is slight, inasmuch as no single data point can have much to say about the competitiveness of the Internet access market as it affects this transaction. Thus, the balance of interest weighs heavily in favor of *not* allowing access to this information to parties other than Commission staff.

Hilton expressly stated that any need participants might have for such information could be met by provision to them (still, of course, under the protections of the MJPO) of aggregated, anonymized information regarding AT&T's provision of its Managed Internet Service to large customers, and that Hilton would not object to such disclosure. Such an approach would minimize the competitive risk to Hilton while still meeting participants' needs.

ACA's opposition to Hilton's objection consists of a single paragraph.<sup>1</sup> In it, ACA makes no showing that it has any need at all for the highly sensitive information contained in Hilton's contract with AT&T. Nor does it deny the fact that this information is extremely sensitive to Hilton. Finally, ACA does not dispute that such need as it might have could be met just as well by the provision to it of aggregated, anonymized information as Hilton proposed. By its silence, ACA has effectively acceded to Hilton's substantive showing that the balance of interests conclusively weighs against the provision of this information to ACA.

ACA's sole argument is a conclusory assertion that Hilton's objection "is nothing more than a collateral attack on the terms and conditions" of the MJPO, and insinuates that the only acceptable ground for objection would be an argument that specific ACA representatives were likely to disclose its information.<sup>2</sup> But this is wrong on its face:

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<sup>1</sup> Opposition at 9.

<sup>2</sup> *Id.*

paragraph 8 of the MJPO *expressly provides* for the filing of objections,<sup>3</sup> and nowhere does it limit the ground for objection in the manner ACA suggests. To suggest that the filing of an objection expressly authorized by the MJPO is a “collateral attack” on the MJPO stands logic on its head.

The Commission has made clear that even the Bureau’s *own* discovery requests are subject to “an obligation not to overreach ... when confidential third party agreements are at issue.”<sup>4</sup> *A fortiori* this policy must apply when it is not Commission staff but private parties who are seeking access, especially when such private parties have not shown any particularized need – or, as with ACA, any need at all – to view such highly sensitive information. The proper application of this policy here is to deny ACA access to the Hilton Highly Confidential Information.

## **II. CONCLUSION**

ACA has made no attempt whatever to refute Hilton’s clear showing that the harm to Hilton of allowing ACA access to the Hilton Highly Confidential Information far outweighs any benefit of allowing such access. Hilton’s Objection should be sustained.

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<sup>3</sup> Hilton demonstrated in its Objection that it was a Third Party Interest Holder entitled to file an objection under the MJPO, and ACA does not claim otherwise.

<sup>4</sup> *Application of Comcast Corp. and AT&T Corp.*, MB Docket No. 02-70, Order, 17 FCC Rcd 22633, 22639 (2002).

Respectfully submitted,

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October 30, 2014

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## Certificate of Service

I, Amanda Delgado, hereby certify that a true and correct copy of the preceding Reply of Hilton Worldwide, Inc. to American Cable Association Opposition to Objection to Disclosure of Stamped Highly Confidential Documents and Highly Confidential Information was served this 30th day of October, 2014 via first-class and electronic mail upon the following parties:

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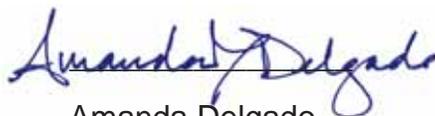
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