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Federal Communications Commission
Washington, D.C. 20554

July 15, 2003

Via Facsimile

Howard J. Symons, Esq.
Counsel for Cablevision Systems Corporation
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: Consolidated Application of General Motors Corporation, Hughes Electronics Corporation, and the News Corporation Limited for Authority To Transfer Control (MB Docket No. 03-124)

Dear Mr. Symons:

On May 2, 2003, the Commission received a consolidated application from General Motors Corporation, Hughes Electronics Corporation and The News Corporation to transfer control of various Commission licenses and authorizations held by Hughes and its wholly- or majority-owned subsidiaries.¹ In order for the Commission to review the application and make the necessary public interest findings under section 310(d) of the Communications Act,² we require additional information and clarification of certain matters discussed in the application.

Accordingly, pursuant to section 308(b) of the Act,³ we request that you provide written responses and supporting documentation for the questions set forth in the attached Information and Document Request. You may submit any confidential or proprietary information that is responsive to this request pursuant to the Protective Order adopted in this proceeding.⁴ We would appreciate receiving your response to each inquiry no later than August 6, 2003.

¹ The application was submitted pursuant to Sections 214 and 310 of the Communications Act of 1934, 47 U.S.C. §§ 214, 310.

² *Id.* § 310(d).

³ *Id.* § 308(b); *see also* 47 C.F.R. § 1.65.

⁴ *See News Corporation, General Motors Corporation, and Hughes Electronics Corporation, Order Adopting Protective Order*, MB Docket No 03-124, DA 03-1761 (rel. May 22, 2003) ("Protective Order").

Your responses should be filed with Marlene H. Dortch, Secretary, FCC, under reference number MB Docket No. 03-124.⁵ In addition, the Public Notice⁶ and the Protective Order require the submission of multiple copies of all *Ex Parte* and other filings submitted in this proceeding. The Media Bureau also should receive, at a minimum, two copies of all paper filings, including both documents marked "Confidential" and documents marked "For Public Inspection."⁷ These copies are intended for, respectively, Marcia Glauberman and Linda Senecal. For any electronic filings made using the Commission's Electronic Comment Filing System ("ECFS"), parties also should serve the documents via e-mail to Marcia Glauberman, Marcia.Glauberman@fcc.gov and to Linda Senecal, Linda.Senecal@fcc.gov.

If you have any questions regarding this matter, please contact Marcia Glauberman, Media Bureau, at 202-418-7046.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Kenneth Ferree", is written over a horizontal line. The signature is stylized and extends across the width of the line.

W. Kenneth Ferree
Chief, Media Bureau

Attachment

⁵ See Protective Order ¶ 3.

⁶ See *General Motors Corporation, Hughes Electronics Corporation, and The News Corporation Limited Seek Approval To Transfer Control of FCC Authorizations and Licenses Held by Hughes Electronics Corporation to The News Corporation Limited*, MB Docket 03-124, Public Notice DA 03-1725 (rel. May 16, 2003) ("Public Notice").

⁷ See Public Notice, pp. 4-5; Protective Order ¶ 3.

ATTACHMENT

Discovery Requests for Cablevision Systems Corporation

1. For each relevant video programming network state, separately for each year from 2000 through the present:
 - a. the MVPD systems that distribute the network, and as to each identify:
 - 1) the geographic areas in which it distributes the network,
 - 2) the date when the network was first carried,
 - 3) all periods of time in which the MVPD's right to carry the network lapsed,
 - 4) the date of expiration of the contract under which the network is currently distributed.
 - 5) the number of subscribers to that MVPD who received the network,
 - 6) total revenues received from the MVPD provider in exchange for distribution of the network and total revenue categorized by subscription fees, launch fees, and other sources of revenue (with a brief description).
 - 7) the number of advertising minutes made available for use by the MVPD.
 - b. total revenues categorized by:
 - 1) subscription fees,
 - 2) advertising revenues,
 - 3) other sources of revenues (with a description),
 - c. for each DMA, the viewer rating and share by:
 - 1) all persons,
 - 2) persons aged 18-34,
 - 3) persons aged 35-49,
 - 4) persons aged 50 or higher.
2. For each relevant video programming network, state:
 - a. the launch date,
 - b. the cost to develop or launch the network, including a description and quantification of each major category of costs,
 - c. the total number of MVPD subscribers who received the network during each year from launch to present,
 - d. if the network provides sports programming, the identity of the teams, leagues, or organizations whose distribution rights are held by the network and for each state:
 - 1) the official name of the team, league, or organization and the sport played,
 - 2) the term of the contract that grants the right to distribute the sports programming,
 - 3) the number of game events entitled to be distributed by News Corporation under the agreement,
 - 4) the number of game events licensed to News Corporation in which News Corporation has an exclusive license,
 - 5) the total number of game events that the team, league, or organization could make available to all networks,

3. Provide all plans, analyses, assessments or considerations of plans to modify, terminate or enter into new exclusive programming distribution arrangements produced since January 1, 2001.

Note: To the extent available, responses to questions I.1 and I.2 should be provided in electronic form as well as hard copy.

Definitions

For purposes of responding to these requests,

1. the phrase "Cablevision Systems Corporation" means Cablevision Systems Corporation, its subsidiaries and any affiliate in which it or a subsidiary owns a 10% or greater interest.

2. The phrase "relevant video programming network" refers to Fox Sports Net Bay Area, Fox Sports Net Chicago, Fox Sports Net Florida, Fox Sports Net New England, Fox Sports Net New York, Fox Sports Net Ohio, and the Madison Square Garden Network.

3. The term "MVPD" means, and information shall be provided separately for:

- a. the local distribution of video programming through terrestrial-based cable transmission facilities by a cable operator or broadband service provider,
- b. direct broadcast satellite and direct-to-home services that transmit video programming directly from one or more satellites to subscribers,
- c. The local distribution or provision of video programming through any other means including, but not limited to MMDS, SMATV, OVS, and facilities of common carrier telephone companies or their affiliates.

4. The phrase "MVPD system" means the area served by a single headend belonging to a wireline MVPD provider such as, but not limited to, a cable system, open video system, or broadband service provider.

5. The phrase "team, league, or organization" means,

- a. all teams, leagues, and organizations in the National Football League, National Basketball Association, National Hockey League, and Major League Baseball.
- b. the following collegiate sports teams, leagues, and organizations:
 - 1) all teams, leagues, and organizations participating in NCAA Division 1A and 1AA football
 - 2) all teams, leagues, and organizations participating in NCAA Division 1 men's basketball.
 - 3) all teams, leagues and organizations participating in women's basketball in the Atlantic Coast, Big 12 , Big East , Big Ten, Pacific-10, and Southeastern Conferences.

6. The phrase "plans, analyses, assessments or considerations of plans" means final and draft plans, reports, and other such documents, but not informal discussions and comments such as e-mails and notes.