

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Applications for Consent to the Assignment)
and/or Transfer of Control of Licenses)
)
Adelphia Communications Corporation)
(And subsidiaries, debtors-in-possession), Assignors)
to)
Time Warner Cable Inc. (Subsidiaries), Assignees;)
) MB Docket No. 05-192
Adelphia Communications Corporation)
(and subsidiaries, debtors-in-possession),)
Assignors and Transferors,)
to)
Comcast Corporation (subsidiaries), Assignees and Transferees;)
)
Comcast Corporation, Transferor,)
to)
Time Warner Inc., Transferee;)
)
Time Warner Inc., Transferor,)
to)
Comcast Corporation, Transferee.)

To: Chief, Media Bureau

**MOTION FOR EXTENSION OF TIME OF
NATIONAL HISPANIC MEDIA COALITION, CONSUMERS UNION,
CONSUMER FEDERATION OF AMERICA
AND THE
CENTER FOR DIGITAL DEMOCRACY**

Because Applicants in the above captioned proceeding only recently submitted necessary information for a thorough analysis of the merger, National Hispanic Media Coalition, *et al.* Request an extension of one month from the date of submission of the

new data. If the Bureau grants the request, *Petitions to Deny* would be due July 21, 2005. Counsel for NHMC, *et al.* Have discussed the matter with Counsel for Applicants, and Counsel for Applicants have agreed not to oppose this *Motion*.

ARGUMENT

The acquisition of Adelphia cable systems by Comcast and Time Warner, and accompanying system swaps by Comcast and Time Warner to maximize the clustering of their systems (referred to by the Applicants as “geographic rationalization”) represents the largest and most complex cable merger ever considered by the Commission. In addition to increasing the aggregate concentration in the cable services market and the MVPD market as a whole, the merger raises novel questions on the impact of clustering in approximately 35 states and DMAs ranging from the largest to the smallest.

On June 2, 2005, the Media Bureau released the public notice for the Application in this proceeding, setting a thirty day deadline (and encompassing the July 4th holiday weekend) for filing *Petitions to Deny*. Given the complex nature of the merger, this deadline represented an unrealistically short period for parties to analyze the record and provide detailed comments in support of *Petitions to Deny*.¹

¹The Bureau has attempted to further shorten the schedule by scheduling “replies and oppositions” for July 20. As Rule 1.45 makes clear, however, Replies to Opposition are to be filed five days *after* Oppositions are filed.

This unrealistic schedule was further aggravated by the failure of Applicants to include necessary data in the Application. Because Applicants have held out “geographic rationalization,” aka clustering, as a principle public interest benefit of the merger, interested parties (and the Commission) require data as to the extent of the clustering. Applicants, however, failed to include in their initial Applications any details with regard to regional changes, and failed to list which LFAs will be affected by the transactions. Indeed, Applicants declined to include the schedules of asset exchanges referenced in the asset purchase and exchange agreements included as Attachment A, Attachment B, and Attachment C to the Applications.

NHMC, *et al.* first contacted the Applicants with regard to this missing information at the end of May. Discussion between NHMC’s counsel, Media Access Project, and counsel for Applicants ensued, and Applicants at last filed the necessary information on June 21, 2005.

NHMC, *et al.* therefore request an extension of time to file Petitions to Deny until July 21, 2005. NHMC, *et al.* and other interested parties have lacked critical information necessary to prepare Petitions to Deny or other significant comments. Grant of this request will simply shift the Bureau’s original schedule to run from the day Applicants submitted the necessary information. Where Applicants do not file necessary information until after issuance of the public notice, an extension of the deadline for Petitions to Deny is consistent with Commission precedent. *See, e.g., LUJ, Inc.*, 17 FCCRcd 16980 (2002). Because Applicants have complete control over what information to submit and when, refusal to grant the extension would allow Applicants

to deny interested parties necessary information to conduct a complete analysis of the merger. Such a result would be contrary to the integrity of the Commission's processes and the public interest.

WHEREFORE, NHMC, *et al.*, request that the Media Bureau extend the date to file Petitions to Deny in the above captioned proceeding to July 21, 2005.

Respectfully submitted,

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June 22, 2005