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November 22, 2005

**EX PARTE VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

*Re: MB Docket No. 05-192*

Dear Ms. Dortch:

Yesterday, representatives of TCR Sports Broadcasting (“TCR”) met with Commission staff to discuss TCR’s submissions in the above-captioned proceeding. Present on behalf of the Commission were Roy Stewart, Sarah Whitesell, Royce Sherlock, Patrick Webre, Natalie Roisman, Bill Johnson, Ben Golant, Tracy Waldon, Daniel Shiman, Mania Baghdadi, and Jamila Bess Johnson of the Media Bureau; Leslie Marx and Jonathan Levy of the Office of Strategic Planning and Policy Analysis; and Neil Dellar, Jim Bird, and Ann Bushmiller of the Office of General Counsel. Present on behalf of TCR were outside counsel, David Frederick and Evan Leo, and economists Gregory Sidak and Hal Singer.

We discussed issues raised in TCR’s comments, reply comments, and the ex parte submission TCR filed on November 14, 2005. In particular, we discussed how Comcast’s acquisition of Adelphia would increase its incentives and ability to discriminate against unaffiliated regional sports networks (“RSNs”) such as TCR, both as a general matter and especially in the Washington and Baltimore DMAs where TCR competes directly against Comcast’s own affiliated RSN, Comcast SportsNet MidAtlantic. We also discussed how the merger would increase Comcast’s incentives to discriminate against competing multi-channel video distributors (“MVPDs”). These issues also were the subject of a powerpoint presentation that Professor Sidak and Dr. Singer prepared and discussed at the meeting, a copy of which is attached.<sup>1</sup>

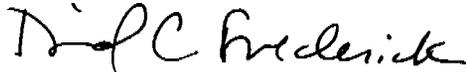
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<sup>1</sup> That presentation and the Sidak/Singer reply declaration referenced previous studies by Dr. Singer and Professor Daniel L. Rubinfeld. Those studies can be found at the following links: [http://www.criterioneconomics.com/docs/singer\\_verticalforeclosure.pdf](http://www.criterioneconomics.com/docs/singer_verticalforeclosure.pdf); and [http://www.criterioneconomics.com/docs/singer\\_rubinfeld.pdf](http://www.criterioneconomics.com/docs/singer_rubinfeld.pdf).

Finally, we updated the Commission on the status of TCR's negotiations with Comcast to carry the Washington Nationals games. We explained that Comcast continues to refuse to negotiate with TCR. We also explained that this refusal is not the result of a disagreement about price. Comcast has been offered National Games on the same terms as other MVPDs that have already agreed to carry the Nationals, and not once has Comcast raised price as a reason for not distributing TCR's programming. Nor is there a reason to believe that Comcast cannot make a profit in carrying Nationals games on the same terms that other MVPDs have accepted.

In accordance with section 1.1206 of the Commission's rules, I am filing a copy of this letter electronically. If you have any questions, please contact me.

Sincerely,

  
David C. Frederick

Counsel for TCR Sports Broadcasting  
Holding, L.L.P.

Attachment