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July 6, 2006

EX PARTE

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:

On July 6, 2006, David Frederick and Evan Leo, both representing TCR Sports Broadcasting (“TCR”), met with Commissioner Tate and Aaron Goldberger regarding the above-captioned proceeding. We discussed the issues raised in TCR’s previous submissions to the Commission, including the types of conditions that are necessary to curb Comcast’s incentives and ability to discriminate against independent regional sports networks.

Among other things, we explained how there is no merit to Comcast’s claim that TCR has sought to charge exorbitant license fees. Comcast has been offered a distribution deal to carry the Nationals games at the same price that *five* other competing video distributors have already accepted. One of these providers – DirecTV – has demonstrated that TCR’s fees are considerably *lower* than the rates that Comcast’s own affiliated RSNs typically charge, and that TCR is among the *least expensive* RSNs in the country. *See* Letter from Dan Fawcett, DirecTV, to The Honorable Thomas M. Davis, III, U.S. House of Representatives, May 3, 2006, attached hereto.

If you should have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,

/s/ David C. Frederick

David C. Frederick

Counsel to TCR Sports Broadcasting, Inc.

Attachment

cc: Fred Campbell
Rudy Brioche
Aaron Goldberger
Donna Gregg
Sarah Whitesell
Royce Sherlock
Tracy Waldron
Julie Salovaara
Leslie Marx
Jim Bird
Ann Bushmiller
Neil Dellar
Dana Shaffer
Cristina Pauzé



Dan Fawcett
Executive Vice President
Programming Acquisition
Business & Legal Affairs

May 3, 2006

The Honorable Thomas M. Davis, III
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Davis:

I read with interest various press accounts of your April 14th hearing, *Out at Home, Why Most Nats Fans Can't See Their Team on TV*. I thought it important for your deliberations to clarify the record so there is no misunderstanding about the rates charged by other regional sports networks (RSNs) as compared to MASN.

As Executive Vice President for programming at DIRECTV, I review every programming contract DIRECTV enters into, including RSNs. Thus, I am intimately familiar with the pricing structure of every regional sports network throughout the country.

It is in the context of this experience that I was frankly shocked to learn that David Cohen, Executive Vice President of Comcast Corporation, stated: “[MASN] is massively overpriced for a regional sports network that has nothing other than National games.”¹

My surprise at this statement from a Comcast executive is rooted in the fact that Comcast itself charges rates that are significantly higher than MASN for the RSNs they own. When one compares the per game rate charged for MASN with Comcast co-owned sports networks, the rate difference is astronomical.

- Comcast Chicago is 140% more expensive than MASN;
- Comcast and Time Warner owned SportsNet New York costs 180% more than MASN;
- Comcast Sacramento is 260% more than MASN.

The last two channels – SportsNet and Sacramento carry only one professional team, just like the “*massively overpriced*” MASN. In fact, after conducting a thorough analysis of

¹ “Comcast in control with ‘perfected plan’”, The Washington Times, April 14, 2006

nine different RSNs across the country, we found that MASN was actually the least expensive.

It goes without saying that the implications of this data are significant. The future of sports fans' right to root for their home teams depends on a competitive playing field in which competing video service providers can broadcast the games. In order to achieve that goal, we must have a dialogue that is based on the facts.

If you would like any additional information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Dan Fawcett". The signature is written in black ink and is positioned below the word "Sincerely,".

Dan Fawcett