

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

In the Matter of)	
)	
TCR Sports Broadcasting Holding, L.L.P.,)	MB Docket No. 08-214
d/b/a Mid-Atlantic Sports Network,)	
Complainant)	
)	File No. CSR-8001-P
v.)	
)	
Comcast Corporation,)	
Defendant)	

To: Marlene H. Dortch, Secretary
Attn: Hon. Richard L. Sippel
Chief Administrative Law Judge

SURREPLY TO EXPEDITED MOTION TO COMPEL

Comcast Corporation (“Comcast”), by its attorneys, hereby files this short Surreply to correct mischaracterizations contained in the Reply filed by TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network (“MASN”) this afternoon. MASN opens its Reply by stating that its Motion to Compel (“Motion”) should be granted because “Comcast does not dispute that the documents MASN seeks . . . are highly relevant” or “seriously dispute that it can easily locate and produce those documents.” MASN Reply at 1. Both of these assertions are incorrect.

First, Comcast specifically disputed the relevance of the agreements sought by MASN both in Comcast’s initial objections to the Document Request and again in the Opposition to MASN’s Motion to Compel (“Motion”). *See* Comcast Corporation’s Responses and Objections to Complainant’s First Request for the Production of Documents (Dec. 15, 2008); Comcast’s Opposition to Motion at 6-7. The fact that MASN spends much of its pleading addressing relevance belies its assertion that Comcast concedes the matter. *See* MASN Reply at 2-3, n.2.

Second, Comcast noted that, based on the Joint Discovery Statement between the parties that limited the scope of discovery to the period between January 1, 2004 and August 22, 2008, it had not yet begun efforts to identify older agreements or seek approvals for the production of those materials. Comcast Opposition at 6 & n.6. Further, as Comcast asserted in its Opposition, MASN seeks the production of documents from numerous RSNs that were in effect *at any time over the last ten years*. Producing such documents will require research to determine which documents fall into this category. For example, Comcast will need to review the terms of agreements entered into much more than 10 years ago to determine whether they remained in effect 10 years ago. Similarly, Comcast will need to review agreements that expired long ago to determine whether they are subject to MASN's overbroad request.

Third, MASN claims that Comcast waited until "the eleventh-hour" to seek consent for the production of highly confidential RSN agreements. MASN Reply at 5, n.5. This too is false. In response to MASN's Document Request, Comcast provided a list of RSN agreements dating back to 2004 for MASN to review and identify which should be produced. Rather than respond, MASN attempted to remove the case from your Honor to the Media Bureau ("Bureau"). Once the Bureau asserted jurisdiction, MASN refused to recognize your jurisdiction. It was not until the case was returned that a protective order was agreed upon and Comcast promptly sought the approvals.

Respectfully submitted,

COMCAST CORPORATION

By: /s/ David H. Solomon
David H. Solomon
L. Andrew Tollin
WILKINSON BARKER KNAUER, LLP
2300 N Street, NW, Suite 700
Washington, D.C. 20037
(202) 783-4141
Its Attorneys

James L. Casserly
Michael H. Hammer
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, D.C. 20006-1238
(202) 303-1000

March 3, 2009

CERTIFICATE OF SERVICE

I, Paula M. Lewis, hereby certify that, on March 3, 2009, copies of the attached Opposition to Expedited Motion to Compel Production of Documents served by United States Mail, first class postage prepaid, and email to the following:

David C. Frederick
Kellogg, Huber, Hansen, Todd,
Evans & Figel, P.L.L.C
1615 M Street, NW, Suite 400
Washington, DC 20036

Kris Anne Monteith
William Davenport
Gary P. Schonman
Elizabeth Mumaw
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Mary Gosse*
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

A handwritten signature in cursive script, reading "Paula M. Lewis", written over a horizontal line.

Paula M. Lewis

*Courtesy Copy