

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
NFL Enterprises LLC,)	MB Docket No. 08-214
Complainant)	
v.)	File No. CSR-7876-P
Comcast Cable Communications, LLC,)	
Defendant)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Chief Administrative Law Judge Richard L. Sippel

**ENTERPRISES' RESPONSE TO DEFENDANT'S
SUPPLEMENT REGARDING MOTION TO COMPEL**

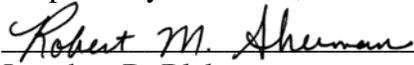
On the eve of the deadline for direct testimony, trial briefs, and exhibits, Comcast has renewed its request for wide-ranging discovery from Enterprises that bears no relation to the claims this case. This case involves Enterprises' claims that Comcast violated Section 616 by favoring its affiliated networks over the NFL Network and by demanding a financial interest as a condition of carriage.

Comcast has sought to deflect attention from its Section 616 violations by attempting to malign Enterprises with accusations that are irrelevant to this proceeding. Comcast's Supplement illustrates this perfectly, claiming an entitlement to wide-ranging discovery based on media statements about possible *future* plans assertedly made *three years after* Comcast's discriminatory conduct; those statements address unrelated and distinct contract negotiations about arrangements with a distributor *other than Comcast* concerning a network *other than the NFL Network* that will come into place, if at all, two or three years from now. Comcast does not explain how these events could have impacted its decisionmaking when it tiered the NFL Network years ago; nor could it reasonably show that it would be improper for the NFL to offer

to cable companies a new programming service along with the NFL Network. Comcast's claim that these years-later events constitute "new, compelling evidence" only reinforces how far afield its allegations – and its grasping efforts to document these allegations – are from the issues in this case.

Comcast already has obtained wide-ranging discovery to support its attacks on Enterprises, including extensive discovery regarding Enterprises' historical interactions with other MVPDs. As Enterprises has previously noted, this wide-ranging discovery – which Comcast has not reciprocated – has resulted in Enterprises' producing in discovery almost seven times as many pages in this matter as Comcast, a ratio that echoes the unilateral discovery Comcast imposed in the parallel New York litigation. With the hearing and filing deadlines fast approaching, and with Comcast already having delayed in raising "new evidence" that the NFL itself publicly announced over a week ago,¹ Comcast cannot now fairly seek further delay or to derail Enterprises' hearing preparation with these unreasonable and burdensome discovery demands. Comcast's motion should be denied.

Respectfully submitted,



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April 1, 2009

¹ See NFL & DIRECTV, Inc., Press Release, "NFL and DIRECTV Extend NFL SUNDAY TICKET™ Agreement through 2014 Season" (Mar. 23, 2009), available at <http://www.businesswire.com/news/home/20090323006282/en>.

CERTIFICATE OF SERVICE

I, Robert M. Sherman, certify that on this first day of April, 2009, I caused a true and correct copy of the foregoing Response to Defendant's Supplement Regarding Motion to Compel to be served via electronic mail upon:

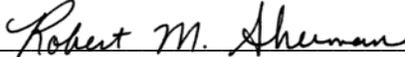
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