

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

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

To: Chief Administrative Law Judge Richard L. Sippel

**MOTION FOR LEAVE TO FILE ORSZAG REPLY DECLARATION**

Comcast Corporation (“Comcast”), by its attorneys, hereby moves for leave to file and have received into evidence a Reply Declaration by Jonathan Orszag in response to the Reply Declaration of Hal J. Singer that was submitted on May 29, 2009 by TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network (“MASN”). The Reply Declaration, which is Highly Confidential, is being submitted separately.

Mr. Orszag found, upon review, that “Dr. Singer’s Reply Declaration contains a number of gross misstatements and errors,” requiring a brief response to set the record straight. (¶ 1.) For that reason, and because Dr. Singer’s reply appears to some extent to exceed the scope permitted,<sup>1</sup> good cause exists for the submission of Mr. Orszag’s reply declaration, as set forth therein.

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<sup>1</sup> The only appropriate subject for Dr. Singer's Reply Declaration is Mr. Orszag's supplemental regression. *See* Tr. 7021 (Mr. Kim: “I will also represent that I heard that this witness conducted a new regression analysis last week for which I received the data late last week. . . . If he’s going to present that new regression analysis testimony, I request a limited ability to respond by declaration . . .”). This is covered in Point II of the Reply Declaration.

Respectfully submitted,

**COMCAST CORPORATION**

By: /s/ David H. Solomon

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June 1, 2009.

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(footnote continued)

Point I of the Reply Declaration (concerning alleged multicollinearity) is not an appropriate subject for the Reply Declaration. Dr. Singer's analysis could have been presented in his oral direct testimony because it responds to the conclusions in Mr. Orszag's written direct testimony and the backup materials thereto. Indeed, Dr. Singer did testify at length at trial about alleged multicollinearity. Tr. 6192-93. There is no basis for him to submit supplemental testimony on this subject. Similarly, Point III of the Reply Declaration (concerning the disaggregation of professional games by sport) could have been presented in his oral direct testimony because this issue was addressed in Mr. Orszag's written direct testimony and the backup thereto. In fact, the Judge specifically denied MASN's objection that Mr. Orszag's oral direct testimony on disaggregation was beyond the scope of his written direct. Tr. 7036:11-13.

CERTIFICATE OF SERVICE

I, Marc D. Knox, hereby certify that on June 1, 2009, copies of the attached Motion for Leave to File Orszag Reply Declaration and Reply Declaration of Jonathan Orszag were hand delivered (unless otherwise indicated), with a courtesy copy by email, to the following:

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\*Served by United States Mail, first class postage prepaid.