

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

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

**RESPONSE TO COMCAST’S MOTION FOR LEAVE  
TO FILE ORSZAG REPLY DECLARATION**

TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network (“MASN”), by its attorneys, hereby responds to Comcast’s Motion for Leave to File a Reply Declaration for Mr. Jonathan Orszag.

Because Mr. Orszag provided certain testimony for the first time at trial, and because this expedited proceeding did not provide MASN with an opportunity to respond, this Tribunal authorized:

JUDGE SIPPEL: . . . some supplemental declaration with respect to the –

MR. BURKE: The regression.

JUDGE SIPPEL: With respect to the regression. Exactly.

Tr. 7026 (May 26, 2009). Dr. Hal J. Singer timely filed that reply declaration on May 29, 2009, and it was properly limited “[w]ith respect to the regression” performed by Mr. Orszag.

This Tribunal further afforded Comcast a fair opportunity to contest that declaration. The Tribunal permitted Comcast “a full 24 hours to file any objection, opposition or [to] curtail [it] if you think [the Reply is] being expanded” beyond what this Tribunal had authorized. *Id.* at 7025. Notably, Comcast expressly agreed to this procedure. *Id.* Comcast did not seek (much less obtain) the right to submit even more new testimony.

But that is exactly what Comcast has done. Comcast now requests (at 1) a “brief response.” The 11-page declaration that it now seeks to submit is considerably longer than the 7-page declaration that Dr. Singer was expressly authorized to file. Nor does this declaration, as Comcast claims, “set the record straight.” *Id.* To the contrary, it contains “a number of gross misstatements and errors” of the sort Comcast apparently believes (*id.* (internal quotation marks omitted)) warrant yet additional replies. Both parties agreed, however, that the record must be closed – except for the specific items authorized by this Tribunal. *See* Tr. 7464-65. A declaration from Mr. Orszag was not among them.

Tellingly, Comcast did not even attempt to take advantage of the remedy this Tribunal *did* authorize: asking this Tribunal to strike any objectionable portions of Dr. Singer’s reply declaration. *See* Tr. at 7025 (ordering such objections within “24 hours”). Comcast unhelpfully claims that “Dr. Singer’s reply *appears to some extent to exceed* the scope permitted.” Mot. at 1 (emphasis added). That nonspecific claim is incorrect. In any event, Comcast offers no excuse for ignoring the authorized remedy and seeking to file another declaration instead.

Comcast’s request to add another declaration is simply an unproductive ploy to get the last word. Because it is contrary to what this Tribunal ordered, MASN respectfully opposes it.

Respectfully submitted,

A handwritten signature in black ink that reads "David C. Frederick". The signature is written in a cursive style with a horizontal line underneath it.

David C. Frederick

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June 2, 2009

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**CERTIFICATE OF SERVICE**

I, Kelly P. Dunbar, hereby certify that, on June 2, 2009, copies of the foregoing document were served via electronic mail on the following:

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(richard.sippel@fcc.gov)  
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