

**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 SUPPLEMENT RECORD

Comcast Corporation (“Comcast”), by its attorneys, hereby moves for leave to supplement the evidentiary record to include the following two newspaper articles that were recently published after the end of the hearing: (1) Dan Steinberg and Chico Harlan, “Nationals’ TV Ratings Improve, Washington Still Ranks Last in MLB,” *Washington Post*, June 2, 2009, at D1 and (2) John Ourand, “MLB’s Overall Ratings Mostly Steady at Start,” *SportsBusiness Journal*, June 1, 2009, at 3. These two articles, attached hereto, provide information on the ratings for the Baltimore Orioles and Washington Nationals games in the Washington market for the first two months of the 2009 regular season.

According to TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network (“MASN”), ratings information is relevant to the instant proceeding. MASN witnesses have stated in their written direct and oral testimony that the Nielsen Media Research ratings are indicative of demand for the Orioles and Nationals programming carried by MASN in the contested areas (Harrisburg, Pennsylvania and southwestern Virginia). These areas are located

outside of MASN's core viewing areas, which are the Baltimore and Washington Designated Market Areas ("DMAs").¹

The *Washington Post* article provides ratings information taken from Nielsen ratings data analyzed and published by the *SportsBusiness Journal*. The ratings data provided in the *Washington Post* article cover the Orioles and Nationals games in the Washington market, where ratings would presumably be higher than in non-core market viewing areas. For Orioles games, the ratings reported by the *Washington Post* are significantly lower in the core Washington DMA than the July 2004 ratings touted by MASN for Orioles games in the contested non-core market areas.² The *Washington Post* reported that the ratings for Nationals games in the core Washington DMA average just 0.53, representing 12,000 households, "by far the worst in the major leagues."³ In addition, the *Washington Post* stated that the Orioles have the third smallest television viewership among all teams in their home market.⁴ Because MASN is relying on ratings to show demand for their programming in the contested areas, the attached articles are highly relevant to the instant proceeding.

Good cause exists to grant leave to supplement the record with the attached articles. The information is highly relevant to MASN's position in this case and the information only became available after the hearing concluded. Comcast notes that the Presiding Judge allowed MASN to

¹ See MASN Exh. 235 at ¶¶ 16-17 (Cuddihy Testimony); MASN Exh. 236 at ¶ 10 (Wyche Testimony); Hearing Tr. 5706:2-5714:22 (Cuddihy).

² See MASN Exh. 235 at ¶¶ 16-17 (Cuddihy Testimony).

³ *Washington Post* at D1. The *SportsBusiness Journal* reported the same ratings information for Nationals games.

⁴ *Washington Post* at D3.

submit newspaper articles into evidence for “what they’re worth.”⁵ Comcast should be treated similarly.

For the above reasons, good cause exists to grant leave to enter into evidence the attached exhibits. A proposed order granting the motion is also attached hereto.

Respectfully submitted,

COMCAST CORPORATION

By: /s/ David H. Solomon

David H. Solomon
L. Andrew Tollin
Robert G. Kirk

WILKINSON BARKER KNAUER, LLP
2300 N Street, N.W., Suite 700
Washington, D.C. 20037-1128
(202) 783-4141

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

Counsel for Comcast Corporation

June 4, 2009

⁵ Hearing Tr. 5497:5-5503:14.

CERTIFICATE OF SERVICE

I, Paula M. Lewis, hereby certify that on June 4, 2009, copies of the attached Motion for Leave to Supplement Record were hand delivered (unless otherwise indicated), with a courtesy copy by email, to the following:

David C. Frederick
Wan J. Kim
Evan Leo
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

/s/ Paula M. Lewis

Paula M. Lewis

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

Nationals' TV Ratings Improve

Washington Still Ranks Last in MLB

By DAN STEINBERG
and CHICO HARLAN
Washington Post Staff Writers

The Washington Nationals finally got a dash of good news yesterday: Their regional television ratings are up 56 percent from a year ago, the second-biggest jump among the 29 U.S.-based Major League Baseball teams. But during a season notable for disastrous news on and off the field, even that nugget was tempered by a dose of reality.

Nationals' broadcasts on MASN and MASN2 are still averaging just a 0.53 rating and 12,000 households in the Washington market, numbers that are by far the worst in the major leagues. Aside from the Oakland Athletics — who have the American League's worst record — every U.S.-based MLB team has attracted a television audience more than twice as big as the Nationals'.

The television data, published yesterday by Sports Business Journal, fits alongside a host of other figures that quantifies this disappointing season. The Nationals' record is last in the National League, and is on pace to be one of the worst in MLB history. The Nationals currently rank 27th in the league in attendance, with easily the biggest decrease of any club from a season ago.

Even importing one warm body from every household that's tuning into an average broadcast and adding that person to the existing average crowd would not fill Nationals Park; no other franchise faces a similar situation. In the Washington market, even the Baltimore Orioles (with a 0.75 rating) out-draw the Nationals.

The TV figures — which do not include potential MASN viewers outside the Washington market or those who are watching games over the Internet — at least had some positives. Only the Texas Rangers, who have shot to first place in the AL West, have seen a bigger increase in their regional television rankings than the Nationals.

The audience jump can be attributed to numerous factors. Because more fans are staying away from Nationals Park, more are inclined to watch on television. This season, MASN has made several improvements to its broadcast, installing an

TUESDAY, JUNE 2, 2009

SPORTS

The Washington Post

EXHIBIT

COM 150

COM 150-1

Nats' Ratings Improve, Still Rank Last in MLB

RATINGS, From Page D1

in-stadium studio in left-center field, bringing some of its camera angles closer to the field, employing a super-slow motion camera, and broadcasting 105 games in high-definition. (In 2008, 40 Nationals broadcasts appeared in HD.)

MASN also changed a part of its broadcast team during the off-season. Don Sutton left the network, and MASN replaced him with the outspoken Rob Dibble — whose uncurbed criticism of the team has drawn favorable response, based on online and blog comments.

"He brings a style and a panache to the broadcast and he's been very well-received," MASN spokesman Todd Webster said.

Collectively, baseball's television ratings on regional sports networks are down two percent, Sports Business Journal reported, although more than half of the league's teams have seen their ratings increase. The publication said that comparable ratings figures for the Toronto Blue Jays were not available. The Nationals

declined to comment on their television ratings.

Still, the rating and the audience size for the Nationals remains behind those of Washington's other major sports franchises. The Orioles, whose games also appear on MASN and MASN2, have baseball's third-smallest audience in their home market, but their average of 34,000 households is still nearly three times that of the Nationals'.

The Washington Capitals averaged a 1.1 rating on Comcast SportsNet and CSN+, equivalent to more than 25,000 households in the D.C. market, in their 71 broadcasts this season, the highest in Comcast SportsNet history. Despite missing the playoffs and finishing with one of the NBA's worst records, the Washington Wizards' drew an average rating of 0.9 in the D.C. market for their 78 games airing on CSN, CSN+ and CW.

The four regular-season D.C. United games that have aired on CSN this season have drawn an average rating of 0.1 in the Washington market, or about 2,500 households.

STREET & SMITH'S
**SportsBusiness
 JOURNAL**

This Week's News



COM 151-1

MLB's overall ratings mostly steady at start

By JOHN OURAND

Staff writer

Published June 01, 2009 : Page 03

MLB ratings have been essentially flat through the first two months of the regular season.

Through May 16, Fox was averaging a 2.1 rating/3.14 million viewers for six telecasts, even with last year's 2.1/3.06 million for seven telecasts. TBS games were averaging a 0.5 U.S. rating/699,000 viewers through seven telecasts, flat with last year's 0.5/694,000 viewers.

Through 20 telecasts, ESPN and ESPN2 were averaging a 1.1 U.S. rating and 1.57 million viewers, down 15 percent and nearly 18 percent, respectively, from last year's 1.3 and 1.91 million viewers. Ratings for the network's exclusive Sunday night window dipped 10 percent to a 1.8/2.71 million viewers from a 2.0/2.97 million.

Locally, RSN ratings are down 2 percent collectively, but more than half of the league's teams have posted ratings increases. The biggest jump is in Texas, where the Rangers have seen ratings more than double (up 111 percent) on Fox Sports Southwest. Sitting atop the AL West division, the Rangers boast a 2.28 rating/57,000 homes.

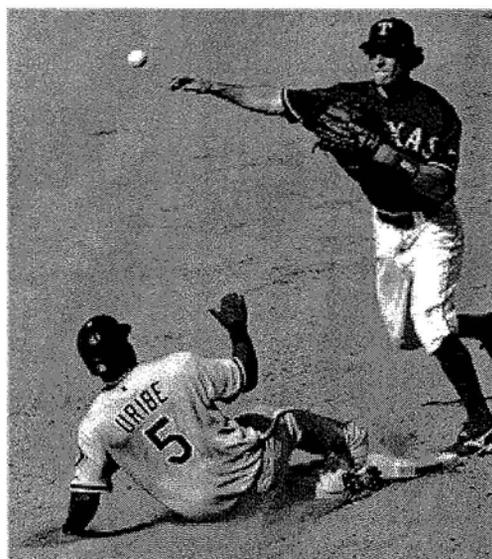
"The Rangers' quick start has created a buzz for baseball in the marketplace," said Jon Heidtke, Fox Sports Southwest senior vice president and general manager. "You can certainly see the uptick in the increased ratings. Fans are starting to believe in the team, and it's reflected in a larger television audience."

The beleaguered Washington Nationals logged the second-biggest increase in the majors, rebounding from last year's dismal ratings. Though the team has the league's worst record, lowest local TV ratings and lowest average number of homes watching each game, ratings for its games on MASN and MASN2 have increased 56 percent in the first two months of the season. Nats games are pulling a 0.53 rating/12,000 homes so far this season.

The league's biggest drop has come in Oakland, where Comcast SportsNet California's coverage of A's games has dropped 63 percent. The A's have the league's second-lowest local rating and second-lowest average number of homes.

The A's ratings most likely have been affected by the team's move to a new RSN this year, as the club migrated from CSN Bay Area to CSN California. But the A's ratings have also been hit by the team's poor play: Oakland has the worst record in the American League.

"Ratings rise and fall each season depending on team



GETTY IMAGES

The Rangers are doubling up, with ratings and households up over 100%

MLB NATIONAL RATINGS

NETWORK (NO. OF TELECASTS)	AVG. RATING (CHANGE)	AVG. NO. OF Viewers (CHANGE)
Fox (6)	2.1 (0.0%)	3.14 million (+2.6%)
ESPN/ESPN2 (20)	1.1 (- 15.4%)	1.57 million (-17.6%)
TBS (7)0	.5 (0.0%)	699,000 (+0.7%)

Note: Fox games through May 16, ESPN and TBS games through May 24; measured against comparable



performance, but even with the A's decline our collective MLB numbers are up, led by double-digit increases for four of our six teams," CSN said in the statement.

Meanwhile, Boston has a good-news-bad-news situation, with Red Sox games on NESN pulling the league's highest ratings at 8.67, but its 27 percent drop from last year is the league's fourth largest.

periods last year.

Sources: The networks

MLB TEAMS' RSN RATINGS

(ranked by avg. rating)

Click here

COM 151-2

MLB TEAMS RSN RATINGS (ranked by avg. rating)

TEAM	RSN	AVG. RATING (CHANGE)	AVG. NO. OF HHS (CHANGE)
Arizona Diamondbacks	FS Arizona	3.21 (-26.9%)	60,000 (-24.1%)
Atlanta Braves	FS South	3.36 (-0.6%)	80,000 (+2.6%)
	SportSouth	2.54 (-29.1%)	60,000 (-27.7%)
Baltimore Orioles	MASN/MASN2	3.10 (+13.1%)	34,000 (+13.3%)
Boston Red Sox	NESN	8.67 (-27.3%)	209,000 (-26.7%)
Chicago Cubs	CSN-Chicago	4.55 (+1.6%)	159,000 (+2.6%)
Chicago White Sox	CSN-Chicago	2.12 (+32.5%)	74,000 (+32.1%)
Cincinnati Reds	FS Ohio	4.67 (-16.5%)	43,000 (-15.7%)
Cleveland Indians	SportsTime Ohio	3.57 (-25.8%)	54,000 (-27.0%)
Colorado Rockies	FS Rocky Mountain	2.51 (-32.5%)	38,000 (-30.9%)
Detroit Tigers	FS Detroit	6.27 (-4.1%)	121,000 (-4.0%)
Florida Marlins	FS Florida	3.38 (+5.0%)	52,000 (+2.0%)
	SunSports	3.22 (-3.0%)	50,000 (+2.0%)
Houston Astros	FS Houston	3.52 (+11.7%)	74,000 (+13.8%)
Kansas City Royals	FS Kansas City	4.20 (+33.3%)	39,000 (+34.5%)
Los Angeles Angels	FS West	1.15 (-6.5%)	65,000 (-5.8%)
Los Angeles Dodgers	FS Prime Ticket	1.94 (+22.8%)	110,000 (+23.6%)
Milwaukee Brewers	FS Wisconsin	7.89 (+12.6%)	71,000 (+14.5%)
Minnesota Twins	FS North	6.25 (-9.4%)	108,000 (-8.5%)
New York Mets	SportsNet New York	3.04 (+13.9%)	226,000 (+14.7%)
New York Yankees	YES	4.30 (-2.3%)	320,000 (-1.5%)
Oakland As	CSN California	0.78 (-62.9%)	19,000 (-62.7%)
Philadelphia Phillies	CSN Philadelphia	5.22 (+14.0%)	154,000 (+14.1%)
Pittsburgh Pirates	FS Pittsburgh	3.40 (+10.7%)	39,000 (+8.3%)
San Diego Padres	Cox/SD4	4.29 (-20.1%)	46,000 (-17.9%)
San Francisco Giants	CSN Bay Area	3.12 (+24.3%)	77,000 (+26.2%)
Seattle Mariners	FS Northwest	5.83 (+10.6%)	106,000 (+12.8%)
St. Louis Cardinals	FS Midwest	6.96 (-16.6%)	87,000 (-16.3%)
Tampa Bay Rays	FS Florida	2.69 (+14.0%)	49,000 (+16.7%)
Texas Rangers	FS Southwest	2.28 (+111.1%)	57,000 (+119.2%)
Washington Nationals	MASN/MASN2	0.53 (+55.9%)	12,000 (+50.0%)

Notes: Comparable data for the Toronto Blue Jays was unavailable. Ratings listed are for games played through May 20, compared with games played through May 21, 2008.

Source: SportsBusiness Journal analysis of Nielsen Media Research data

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Defendant)	

ORDER

Adopted: June __, 2009; Released: June __, 2009

Good cause having been shown, the June 4, 2009 Motion for Leave to Supplement Record filed by Comcast Corporation IS GRANTED and Comcast Exhibits 150 and 151 submitted therewith ARE RECEIVED INTO EVIDENCE.

Federal Communications Commission

By: Richard L. Sippel
Chief Administrative Law Judge