

DOCKET FILE COPY ORIGINAL
Before the
Federal Communications Commission
Washington, D.C. 20554

MAILED
MAR 29 2010

FCC Mail Room

In the Matter of)
)
Applications of Comcast Corporation,)
General Electric Company)
and NBC Universal, Inc.) MB Docket No. 10-56
)
For Consent to Assign Licenses or)
Transfer Control of Licensees)
)

ORDER

Adopted: March 26, 2010

Released: March 26, 2010

By the Chief, Media Bureau:

1. On March 18, 2010, the Commission released a Public Notice seeking comment on the applications of Comcast Corporation (“Comcast”), General Electric Company, and NBC Universal, Inc. (“NBCU”) (collectively, the “Applicants”) to assign and transfer control of FCC licenses.¹ The Commission established May 3, 2010 as the deadline for filing comments and petitions to deny; June 2, 2010 as the deadline for filing responses to comments and oppositions to petitions; and June 17, 2010 as the deadline for filing replies to responses or oppositions. On March 22, 2010, the Media Access Project (“MAP”) filed a Request For Extension of Time (the “Request”), asking the Commission to extend the filing deadline for comments and petitions to deny for 45 days, until June 17, 2010.² Consequently, MAP also requested that the two subsequent deadlines for responsive filings be extended to July 16, 2010 and August 1, 2010, respectively. Several organizations submitted filings in support of MAP’s Request.³ The Applicants filed a Joint Opposition to Request for Extension of Time on March 25, 2010 (the “Opposition”). For the reasons stated below, we deny MAP’s Request.

2. In support of its Request, MAP asserts that the pleading cycle in this matter coincides with filing deadlines in an “unusually large” number of other important matters before the Commission.⁴

¹ Commission Seeks Comment on Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign and Transfer Control of FCC Licensees, Public Notice, MB Docket No. 10-56, DA 10-457 (rel. Mar. 18, 2010) (“Public Notice”).

² Request at 1. Although MAP filed its Request on its own behalf, it claims to have the support of more than a dozen organizations, which it fails to identify. *Id.*

³ American Cable Association Motion in Support of Media Access Project’s Request for Extension of Time (“ACA Motion”) at 1-3; Letter from Corie Wright, Policy Counsel, Free Press, to Marlene H. Dortch, Secretary, FCC (Mar. 23, 2010) (“Free Press Ex Parte”) at 1-2 (submitted on behalf of Free Press, Consumer Federation of America, and Consumers Union); Letter from Jill Canfield, Senior Regulatory Counsel, National Telecommunications Cooperative Association, to Marlene H. Dortch, Secretary, FCC (Mar. 23, 2010) (“NTCA Ex Parte”) at 1-2; Letter from Stephen Pastorkovich, Business Development Director, Organization for the Promotion and Advancement of Small Telecommunications Companies, Robert A. Fuhrer, Vice President and Acting General Counsel, National Rural Telecommunications Cooperative, and Stephen G. Kraskin, Counsel for Rural Independent Competitive Alliance, to Marlene H. Dortch, Secretary, FCC (Mar. 23, 2010) (“OPASTCO Ex Parte”) at 1.

⁴ Request at 1.

MAP argues that it is therefore impossible for affected organizations to prepare detailed submissions in the Comcast-NBCU matter without curtailing participation in other Commission proceedings.⁵ MAP also contends that additional time is needed to comply with the confidentiality procedures required to review redacted portions of the Applicants' economic report, which, MAP argues, became available for review only recently.⁶ MAP further argues that an extension is particularly warranted in this case given the Commission's instruction in the *Public Notice* that all issues should be raised in the initial filings and that attempts to raise new issues thereafter will require a showing of good cause.⁷ Supporters of MAP's Request echo these concerns and emphasize that extensive analysis will be required in light of the proposed transaction's breadth and complexity.⁸

3. Applicants' Opposition states that the 45-day period for the filing of petitions and comments specified in the *Public Notice* is a relatively lengthy comment period for Commission proceedings of this type. Applicants assert that providing the 90-day period sought in the Request would be both unprecedented and inconsistent with the Commission's objective of ensuring that the review process here be as efficient as possible.⁹ Applicants also note that the applications have been readily available to the public since they were filed on January 28, 2010, and that the proposed transaction has been the subject of four separate congressional hearings at which the views of various parties were expressed. Applicants note that representatives of MAP and other parties provided detailed written and oral testimony in those proceedings, revealing their access to substantial information about the transaction.¹⁰ In response to MAP's contention that the need to arrange for and review confidential and highly confidential documents filed by the Applicants in this proceeding under the two protective orders warrants grant of the Request, Applicants state that MAP and seven other parties that have supported the Request have not filed Acknowledgements under those protective orders to gain access to any of those materials.¹¹ Finally, Applicants reject MAP's claim that upcoming comment deadlines in other ongoing Commission proceedings in which MAP plans to file warrant grant of the Request.¹²

4. The Commission has a strong interest in ensuring that the record in this matter is complete and fully developed. To that end, the *Public Notice* established a significantly longer pleading cycle than has been provided in proceedings in which the Commission considered similar media-related mergers in recent years.¹³ Although MAP acknowledges this longer pleading cycle,¹⁴ it nevertheless

⁵ *Id.*

⁶ *Id.* at 2. The Applicants filed the economic report on March 5, 2010.

⁷ *Id.* at 2-3. See *Public Notice* at 5.

⁸ ACA Motion at 1-2; Free Press Ex Parte at 1-2; NTCA Ex Parte at 1-2; OPASTCO Ex Parte at 1.

⁹ Opposition at 2.

¹⁰ *Id.* at 3.

¹¹ *Id.*

¹² *Id.* at 4.

¹³ The initial pleading cycles of the most recent media-related mergers allowed approximately 30 days for comments and petitions and 15 days for responsive filings. See *Sirius Satellite Radio Inc. and XM Satellite Radio Holdings Inc. Seek Approval to Transfer Control of FCC Authorizations and Licenses*, Public Notice, 22 FCC Rcd 10327 (June 8, 2007); *News Corporation, The DIRECTV Group, Inc. and Liberty Media Corporation Seek Approval to Transfer Control of FCC Authorizations and Licenses*, Public Notice, 22 FCC Rcd 3493 (Feb. 21, 2007); *Adelphia Communications Corporation, Debtor-In-Possession, Time Warner Inc. and Comcast Corporation Seek Approval to Transfer Control and/or Assign FCC Authorizations And Licenses*, Public Notice, 20 FCC Rcd 10051 (June 2, 2005). In *Comcast-Time Warner-Adelphia*, the Commission granted a 16-day extension to the 30-day initial filing period. *Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia* (continued....)

makes the extraordinary request that the Commission double the amount of time provided for initial filings in this case. The resulting petition/comment filing period would be more than 90 days, which is two or three times the amount of time that has been provided for initial filings in previous media-related mergers.¹⁵ At this juncture, we do not believe the circumstances of this case justify such an unusual extension of the pleading cycle.¹⁶

5. We are also not persuaded that the timing of other important proceedings before the Commission is a valid reason for delaying the schedule of the Comcast-NBCU merger review. The Commission has an obligation to review the proposed transaction as expeditiously as possible. This merger review is not subordinate in priority to the other ongoing proceedings listed in MAP's Request.¹⁷ It is often the case that potential petitioners or commenters such as MAP have interests in multiple Commission proceedings, and the Commission's schedule cannot be dictated by the choices made by those parties regarding the allocation of their time and resources.

6. Nor are we convinced by the other arguments supporting the Request. We recognize that the Applicants' economic report was not filed and made publicly available until earlier this month, but we believe that our May 3, 2010 filing deadline provides ample time for review of that document. Although compliance with the confidentiality procedures is of critical importance, those requesting an extension have not made the case that such compliance, which need not be time-consuming, justifies an extension under current circumstances. We also note that the applications for approval of the proposed transaction have been publicly available for review since February 1, 2010. Finally, we do not believe that our instruction in the *Public Notice* that petitioners and commenters raise all issues in their initial filings unless they show good cause, which is consistent with our longstanding pleading rules, necessitates a longer period for the filing of comments and petitions.

7. Accordingly, MAP's Request for Extension of Time in the above-captioned matter is hereby DENIED. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's Rules.¹⁸

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

(Continued from previous page) _____
Communications Corporation, (And Subsidiaries, Debtors-In-Possession), Assignors, to Time Warner Cable Inc. (Subsidiaries), Assignees; Adelphia Communications Corporation, (and Subsidiaries, Debtors-In-Possession), Assignors and Transferors, to Comcast Corporation (Subsidiaries), Assignees and Transferees; Comcast Corporation, Transferor, to Time Warner Inc., Transferee; Time Warner Inc., Transferor to Comcast Corporation, Transferee, Order, 20 FCC Rcd 11145 (June 24, 2005).

¹⁴ Request at 1.

¹⁵ See note 13 *supra*.

¹⁶ Section 1.46(a) of the Commission's rules provides, "It is the policy of the Commission that extensions of time shall not be routinely granted." 47 C.F.R. § 1.46(a).

¹⁷ Request at 2.

¹⁸ 47 C.F.R. § 0.283.