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April 5, 2010

FILED/ACCEPTED

APR - 5 2010

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

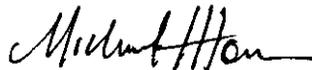
Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Washington, D.C. 20554

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

Dear Ms. Dortch:

On behalf of Comcast Corporation, General Electric Company, and NBC Universal, Inc. (collectively "Applicants"), and in accordance with the Protective Order and Second Protective Order adopted in this proceeding,¹ enclosed please find the original and four copies of Applicants' objection to the disclosure of Applicants' Confidential and Highly Confidential Information to Adam Lynn, Policy Coordinator at Free Press. Pursuant to the Protective Orders, Applicants are also serving Mr. Lynn and counsel via email and overnight delivery.²

Respectfully submitted,



Michael H. Hammer
Counsel for Comcast Corporation

¹ See *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56, Protective Order, DA 10-370 (rel. Mar. 4, 2010) ("First Protective Order"); In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56, Second Protective Order, DA 10-371 (rel. Mar. 4, 2010) ("Second Protective Order")*.

² First Protective Order ¶ 7; Second Protective Order ¶ 4.

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Marlene H. Dortch
April 5, 2010
Page 2

Enclosures

cc: William T. Lake
William D. Freedman
Jessica Almond
Jennifer Tate
James R. Bird
Vanessa Lemmé

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

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

**JOINT OBJECTION TO DISCLOSURE OF
CONFIDENTIAL AND HIGHLY CONFIDENTIAL INFORMATION**

Pursuant to the Protective Order¹ and the Second Protective Order² in the above-captioned proceeding, Comcast Corporation, General Electric Company, and NBC Universal, Inc. (collectively “Applicants”) hereby respectfully object to the disclosure of Applicants’ Confidential and Highly Confidential Information to Adam Lynn, Policy Coordinator at Free Press.³

To be clear: Applicants have no objection to Free Press obtaining access to Confidential and Highly Confidential Information pursuant to the terms of the Protective Orders in order to facilitate a thorough analysis and ensure its full participation in this proceeding. However, the

¹ *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, MB Docket No. 10-56, Protective Order, DA 10-370 ¶ 7 (rel. Mar. 4, 2010) (“First Protective Order”).

² *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, MB Docket No. 10-56, Second Protective Order, DA 10-371 ¶ 4 (rel. Mar. 4, 2010) (“Second Protective Order”).

³ On April 1, 2010, Applicants received signed Acknowledgments pursuant to the First and Second Protective Orders from Mr. Lynn. See Exhibit 1 (Mr. Lynn’s Acknowledgments).

First Protective Order limits access to Confidential Information to Outside Counsel, In-House Counsel, and Outside Consultants,⁴ and the Second Protective Order limits access to Highly Confidential Information to Outside Counsel and Outside Consultants.⁵ Because it appears that Mr. Lynn is not an attorney⁶ and has not claimed to be an attorney,⁷ and because Mr. Lynn does not appear to qualify as an Outside Consultant, Applicants do not believe that he should be permitted access to Applicants' sensitive Confidential and even more sensitive Highly Confidential Information.

Under the terms of both Protective Orders, the disclosure of Applicants' information must be facilitated through Counsel. The First Protective Order provides that "Stamped Confidential Documents may be reviewed by Counsel, and *Counsel may disclose* Stamped Confidential Documents and other Confidential Information to . . . outside consultants or experts retained for the purpose of assisting Counsel in this proceeding."⁸ Similarly, the Second Protective Order "limit[s] access to [Highly Confidential] materials to Outside Counsel of Record, their employees, and *Outside Consultants and experts whom they retain to assist them in this proceeding.*"⁹ In numerous other proceedings before the Commission, Free Press has been represented by both in-house and outside counsel, and that avenue remains available to them to access Applicants' sensitive information in this proceeding.

⁴ First Protective Order ¶¶ 4, 10.

⁵ Second Protective Order ¶ 3.

⁶ Mr. Lynn does not appear to qualify as either In-House or Outside Counsel within the meaning of the Protective Orders. In both the First and Second Protective Orders, "Outside Counsel of Record" is defined as "the firm(s) of attorneys, or sole practitioner(s), as the case may be, representing a party" in these proceedings. First Protective Order ¶ 4; Second Protective Order ¶ 5.

⁷ See www.freepress.net/about_us/staff.

⁸ First Protective Order ¶ 10 (emphasis added).

⁹ Second Protective Order ¶ 3 (emphasis added)

In addition, Applicants do not have enough information to make a determination as to whether Mr. Lynn qualifies as an Outside Consultant. Although Mr. Lynn is an employee of Free Press and, therefore, not “outside,” the Second Protective Order provides an exception for non-commercial parties, allowing “any expert employed by a non-commercial party in these proceedings” to qualify as an “expert.”¹⁰ While Free Press appears to be a non-commercial party, it makes no showing that Mr. Lynn is an “expert,” or that he is working under the supervision of counsel. From the job description that is available online, Mr. Lynn is described as “conduct[ing] research on issues related to media ownership, public media and the future of the Internet.”¹¹ It is not clear that Mr. Lynn has the type of advanced or specialized training, or has demonstrated expertise, that this Commission has typically associated with being an “expert.”

Applicants are concerned that deeming Mr. Lynn an expert without some reasonable showing will constitute an invitation for almost any employee of any party of an arguably “non-commercial” nature to get access to Applicants’ most sensitive business information – information to which the Commission has rightly accorded the highest protection. We do not think that this was the Commission’s intention in fashioning restrictions intended to allow “experts employed by a non-commercial party,” under the supervision of counsel, to gain access to Highly Confidential Information,¹² and it is Applicants’ hope that this will not be the effect of the Protective Orders.

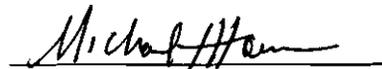
¹⁰ Second Protective Order ¶ 5.

¹¹ See www.freepress.net/about_us/staff.

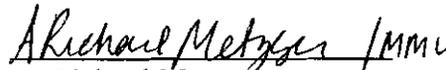
¹² Second Protective Order ¶ 5.

To reiterate: Applicants have no objection to Free Press having access to information in order to conduct a valid, legitimate review consistent with the Protective Orders. However, because no Counsel for Free Press has submitted an Acknowledgment, and because there has been no showing that Mr. Lynn is an “expert,” Applicants request that the Media Bureau deny Mr. Lynn access to Applicants’ Confidential and Highly Confidential materials submitted pursuant to the First and Second Protective Orders in this proceeding. Granting this request would preserve the limitations properly established by the Protective Orders regarding access to Confidential and Highly Confidential Information.

Respectfully submitted,



Michael H. Hammer
WILLKIE FARR & GALLAGHER LLP
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(202) 303-1000
Counsel for Comcast Corporation



A. Richard Metzger, Jr.
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2001 K Street, NW, Suite 802
Washington, DC 20006
(202) 777-7700
Counsel for General Electric Company



David H. Solomon
WILKINSON BARKER KNAUER, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
(202) 783-4141
Counsel for NBC Universal, Inc.

April 5, 2010

Exhibit 1

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
501 third street nw, suite 875
washington, dc 20001
tel 202.265.1490
fax 202.265.1489



March 31, 2010

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *In the Matter of Application of Comcast Corporation General Electric Company and
NBC Universal Inc. for consent to assign license or transfer control of licensees.*
MB Docket No. 10-56

Dear Ms. Dortch:

Pursuant to the procedures outlined in the Protective Orders (DA 10-370 and DA 10-371), the undersigned hereby submit Acknowledgments of Confidentiality executed by Adam Lynn of Free Press, for access to Stamped Confidential Documents and Stamped Highly Confidential Documents in the above-referenced proceeding.

Respectfully submitted,

Patrick Lucey
Research Fellow
Free Press
501 Third Street, NW
Suite 875
Washington, DC 20001
202-265-1490

APPENDIX A

Acknowledgment of Confidentiality

MB Docket No. 10-56

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 of the foregoing Protective Order and that I will not use such information in any other capacity, nor will I disclose such information except as specifically provided in the Protective Order.

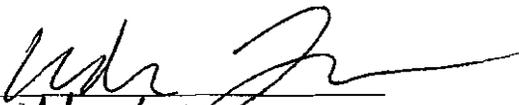
I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 4 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, DC this 31 day of March, 2010.


 [Name] Adam Lynn
 [Position] Policy Coordinator
 [Address] 501 3rd St NW, Suite 875
 [Telephone] Washington, DC 20001
202-245-1490

APPENDIX A

Acknowledgment of Confidentiality

MB Docket No. 10-56

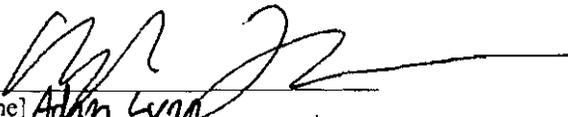
I hereby acknowledge that I have received and read a copy of the foregoing Second Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Second Protective Order and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by the Second Protective Order. I acknowledge that a violation of the Second Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Second Protective Order is due solely to my capacity as Outside Counsel or Outside Counsel of Record or Outside Consultant to a party or other person described in paragraph 12 of the foregoing Second Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Second Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Highly Confidential Documents and Highly Confidential Information are used only as provided in the Second Protective Order; and (2) Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Second Protective Order, and I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents or Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Second Protective Order.

Executed at Washington, DC this 31 day of March, 2010.


[Name] Adina Lynn
[Position] Policy Coordinator
[Address] 501 3rd St NW, Suite 875
[Telephone] Washington, DC 20006
202-265-6490