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

**Via Electronic Filing**

April 26, 2010

**Re: Notice of *Ex Parte* Presentation MB Dkt 10-56, Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees**

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission's rules, Free Press submits this notice regarding an *ex parte* communication in MB Dkt 10-56, *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees*.

On Friday April 23, 2010, Mark Cooper of Consumer Federation of America, Joel Kelsey of Consumers Union, Andrew Jay Schwartzman and Matt Wood of Media Access Project, and Corie Wright of Free Press met with the following FCC staff members: Jessica Almond, William Beckwith, Deborah Broderson, Paul De Sa, Bill Freedman, Marcia Glauber, Rebecca Goodheart, Judy Herman, Jamila Bess Johnson, Stacey Jordan, Bill Lake, Erin McGrath, Virginia Metallo, Joel Rabinovitz, Julie Salovaara, Donald Stockade, and Jennifer Tatel.

In the meeting, public interest groups presented their concerns with the proposed acquisition of NBC-Universal by Comcast Corp. The groups stressed that the merger applicants bear the burden of proving that the proposed transaction, on balance, will serve the public interest. Because applicants have not shown that proposed transaction meets the requisite public interest standard mandated by the Communications Act, the transaction should not be approved by the Commission.

In particular, the groups discussed the impact of the transaction stemming from the acquisition of NBC and Telemundo owned-and-operated broadcast stations, including a resultant decline in competition in certain local advertising markets, excessive domination by the merged company, and the ability to siphon advertising revenues away from competing broadcast stations. A stand-alone broadcaster will not be able to offer package deals for advertising across multiple channels the way that Comcast-NBCU will be able to do post-merger. Public interest groups worry that further decline in those stations advertising revenues may adversely affect their ability to fund and produce local programming.

Public interest groups also discussed concerns that Comcast gaining broadcast retransmission consent rights will give the company substantial leverage to charge competing multichannel video programming distributors

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higher prices for bundled broadcast and cable content – prices which will then be passed along to consumers in the form of higher cable bills. The groups expressed skepticism that that current retransmission consent and program access regimes are sufficient to curb the increased anticompetitive incentive and ability that would emerge from the transaction.

Public interest groups also focused their presentation on the merger’s effect on competition in the nascent online video programming market, particularly in light of Comcast’s recent launch of the Xfinity platform. The Xfinity model ensures that consumers can only view a significant amount of online video if they subscribe to a traditional facilities-based cable provider, thus cutting-off the flow of programming to disruptive new entrants and eliminating potential competition while preserving the lucrative cable TV revenue stream.<sup>1</sup> While problematic in its own right, Xfinity’s anticompetitive impact will be exacerbated by the merger because the merger will eliminate direct competition between Xfinity and NBC’s own online video distribution. Furthermore, Comcast’s acquisition of NBC network and Universal Studios movie content is likely to reduce NBC’s incentive to make its programming available to platforms that compete with Comcast Xfinity, thereby reducing the availability of NBCU content for consumers who do not subscribe to cable TV service and further diminishing emerging competing in the online video market.

In accordance with the Commission’s rules this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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<sup>1</sup> See Marvin Ammori, *TV Competition Nowhere: How the Cable Industry Is Colluding to Kill Online TV*, Free Press (January 2010), available at <http://www.freepress.net/files/TV-Nowhere.pdf>.