



Federal Communications Commission
Washington, D.C. 20554

MAILED

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FCC Mail Room

DA 10-635

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April 30, 2010

Via First-Class Mail and E-mail

Michael H. Hammer
Willkie Farr & Gallagher LLP
1875 K Street, NW
Washington, DC 20006

A. Richard Metzger, Jr.
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street, NW, Suite 802
Washington, DC 20006

David H. Solomon
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037

Re: 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; Request for Enhanced Confidential Treatment

Dear Messrs Hammer, Metzger and Solomon:

By your letters of April 27, 2010, and April 29, 2010, pursuant to the terms of the *Second Protective Order*,¹ you request enhanced confidential treatment for certain information and documents that you plan on filing with the Commission in connection with two economic reports that were requested by Commission staff. Subject to the limitations set forth below, we grant that request.

You generally represent that the information for which you seek protection "constitutes some of the Applicants' most sensitive business information," and that disclosure of such information to the Applicants' competitors or people with whom the Applicants do business "would have a serious negative effect on their businesses and place Applicants at a significant competitive disadvantage." Further, for each category of information for which you seek protection, you explain why that information should not be publicly disclosed and should be designated Highly Confidential.

As we stated in the *Second Protective Order*, consistent with past practice, the Commission will in this proceeding grant more limited access to those materials which, if released to competitors, would allow those competitors to gain a significant advantage in the

¹ *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 (Media Bureau March 4, 2010) ("Second Protective Order")*.

marketplace. We will permit persons submitting such documents and information to designate those materials as Highly Confidential and, as specified in the *Second Protective Order*, we will limit access to such materials to Outside Counsel of Record, their employees, and Outside Consultants and experts whom they retain to assist them in this proceeding. We find that such materials are necessary to develop a more complete record on which to base the Commission's decision in this proceeding and therefore require their production. We are mindful of the highly sensitive nature of all information, documents, and data described in this letter, but we must also protect the right of the public to participate in this proceeding in a meaningful way. We conclude that the protections adopted in the *Second Protective Order* give appropriate access to the public while protecting a Submitting Party's competitively sensitive information, and thereby will serve the public interest.

We agree that the information you describe in your letters has generally been allowed to be designated "Highly Confidential" under the Commission's protective orders. Accordingly, to the extent that the information or documents (or portions thereof) both fall within the categories of information listed below and contain Highly Confidential Information, as defined in the *Second Protective Order*, then such information and documents (or portions thereof) may be designated and submitted as "Highly Confidential" under the *Second Protective Order*. To the extent that portions of the economic reports, their attachments, and supporting documents contain documents, information or data that fall within the categories set forth below but do not contain Highly Confidential Information, they are to be produced in unredacted format or submitted as "Confidential" under the *First Protective Order*, as appropriate.

Categories Eligible for Highly Confidential Treatment

- A. Comcast's Detailed Financial Data: Granular information relating to costs for video-on-demand and online distribution technology, including capital expenditures and operating costs; granular information relating to programming budgets for programming networks, disaggregated on a network-by-network basis.
- B. Comcast's Detailed Customer Data: Customer data disaggregated by Designated Market Area or other limited geographical area, by service, and by period of time.
- C. Comcast's Video Programming and Carriage Agreement Terms and Conditions: Information relating to the details of video programming and carriage agreements, programming rights, retransmission agreements, linear carriage agreements, video-on-demand agreements, and online distribution agreements, including information regarding the details of the negotiation for such agreements; analyses of such agreements or negotiations.
- D. Comcast's Current and Forward-Looking Business Strategies and Plans: Information relating to current and forward-looking business strategies and marketing plans, including detailed business models, projections and plans relating to the proposed Comcast-NBCU joint venture.
- E. Comcast Advertising Sales, Financial and Operating Results: Detailed information regarding advertising revenues and expenses, including expenses relating to the development of advanced advertising platforms, disaggregated by business unit and type of expense.
- F. NBCU's Video Programming and Carriage Agreement Terms and Conditions: Information relating to the details of video programming and carriage agreements, including

linear carriage agreements, video-on-demand agreements, and online distribution agreements, including information regarding the details of the negotiation for such agreements; analyses of such agreements or negotiations.

G. NBCU's Current and Forward-Looking Business Strategies and Plans: Information relating to current and forward-looking business strategies and marketing plans, including detailed business models and projections, and plans relating to the proposed Comcast-NBCU joint venture.

H. NBCU's Detailed Financial Data: Detailed information regarding advertising sales, financial, and operating results, including projected advertising sales revenue for 2010 disaggregated by channel, programming genre, and distribution platform; detailed income, cash flow, and operating metrics, and other similar financial data disaggregated by time period and source, for recent or current time periods.

I. NBCU's Detailed Online Viewership Information: Information relating to the details of online viewership of video programming, including the name of the program, the type of program, whether it was Internet-exclusive, the number of times each program was viewed, the total length of each program, and the advertising model associated with each program.

Sincerely,

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William T. Lake
Chief, Media Bureau