

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**JOINT COMMENTS OF THE PARENTS TELEVISION COUNCIL, AMERICAN
FAMILY ASSOCIATION, FOCUS ON THE FAMILY, CITIZENS FOR
COMMUNITY VALUES, RECLAIM OUR CULTURE KENTUCKIANA & THE
COALITION FOR MARRIAGE AND FAMILY**

The Parents Television Council, representing more than 1.3 million Americans dedicated to protecting children from sex, violence and profanity in entertainment, joined by the American Family Association, Focus on the Family, Citizens for Community Values, Reclaim our Culture Kentuckiana and the Coalition for Marriage and Family, collectively representing millions of concerned families, hereby submits the following comments in the above proceeding.

Due to the potential creation of an enormous vertically and horizontally integrated media conglomerate, millions of families are rightfully concerned about how the proposed NBCU-Comcast merger would alter the marketplace for both free over-the-air broadcasting as well as pay-cable service. However, many of these issues, such as program access, retransmission consent and consumer choice in video programming have been addressed by other commenters on this docket. Although we share many of their concerns as well, the present reply comments seek to address a single issue: does

Comcast meet the character requirements of the Commission in order to hold a broadcast license?

By offering adult subscription channels and services, including its pay-per-view and on demand networks, Comcast is able to distribute hardcore pornographic material – routinely marketed as “adult entertainment” – to its 23.5 million cable subscribers. In fact Comcast is one of the “most far-reaching distributors of porn”¹ in the communities it serves. In addition to the pay-per-view and on-demand material, there is also a significant amount of adult-themed and pornographic programming available and widely distributed via Comcast’s traditional cable programming packages, as well as on Comcast-owned networks like E! and FEARnet.

There is no content regulation of cable-distributed programming – and we do not propose such regulation. However, when considering the assignment and allocation of broadcast licenses, the Commission is compelled by law only to distribute those licenses in the “public convenience, interest and necessity.” Further, the Communications Act requires the Commission to consider an applicant’s character when determining the fitness of the applicant for a broadcast license, and policies have been provided by the Commission to scrutinize licensees and applicants.²

The Commission’s policy on character determination has been modified over the years and does not speak directly to the distribution of pornographic material, but it does recognize the moral decisions made by licensees and applicants: fraudulent misconduct

¹ Swartz, Jon. "USATODAY.com - Online Porn Often Leads High-tech Way." *News, Travel, Weather, Entertainment, Sports, Technology, U.S. & World - USATODAY.com*. 09 Mar. 2004. Web. 17 June 2010. <http://www.usatoday.com/money/industries/technology/2004-03-09-onlineporn_x.htm>.

² *Policy Regarding Character Qualifications in Broadcast Licensing*, 102 FCC 2d 1179 (1986) ("Character Qualifications")

before a government agency, violations of the Communications Act, misrepresentation or lack of candor before the Commission, misconduct by corporate applicants, criminal convictions, deceptive or fraudulent programming, and employee misconduct.³

Therefore, the Commission must carefully examine the actions, both within and outside the immediate purview of the agency, of the Comcast Corporation to make a character determination consistent with the record of the company before the transfer of any broadcast licenses.

In the interest of transparency and in order for the Commission to make a fully-informed character determination, we call on the Commission to impose on Comcast a condition to the merger that it disclose the amount of revenue it derives from the distribution of pornographic and/or “adult” entertainment products. That data is currently not available from Comcast and is necessary to determine the business models the corporation presently employs as well as whether Comcast would serve the public interest as a broadcaster.

Additionally, since the proposed merger would grant access to the publicly-owned airwaves to Comcast in some of the nation’s biggest media markets, we call on the Commission to impose a condition to the merger that Comcast will not use the public airwaves to distribute pornographic and/or “adult” entertainment.

Without such assurances beforehand, the Commission should not approve the transfer of broadcast licenses to a company with such an overwhelming record of distributing pornographic and other adult-oriented material. The public interest demands no less.

³ Ibid.