Federal Communications Commission
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October 1, 2010

DA 10-1839

Via First-Class Mail and E-Mail

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

MAILED
OCT 4 - 2010
FCC Mail Room

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

David H. Solomon, Esquire
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; Response to Supplemental Request for Enhanced Treatment of Highly Confidential Documents, dated September 29, 2010.

Dear Messrs. Hammer, Metzger and Solomon:

By your letter of September 29, 2010, pursuant to the terms of the *Second Protective Order*,[1] you request enhanced confidential treatment for certain information and documents that your respective clients will be filing in response to an oral request for information from Commission staff on September 24, 2010. Subject to the limitations set forth below, we grant these requests.

You generally represent that the information for which you seek protection "constitute[s] 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 marketplace. We will permit persons

[1] *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Second Protective Order, 25 FCC Rcd 2140 (MB 2010) ("*Second Protective Order*").

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 that you describe in your letter has generally been allowed to be designated "Highly Confidential" under the Commission's protective orders, including that in this proceeding. Accordingly, to the extent that the information, data 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,*[2] 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 responses, including data or documents that do not contain Highly Confidential Information, they are to be produced in unredacted format or submitted as "Confidential" under the first *Protective Order,*[3] as appropriate.

Categories Eligible for Highly Confidential Treatment

A. Comcast's Video Programming and Carriage Agreement Terms and Conditions:

Terms or detailed data and analyses regarding the terms and conditions of Comcast programming carriage and online distribution agreements, including information about subscriber license fees, rights fees, and other economic consideration, and the terms of extremely sensitive business negotiations.

B. Comcast's Current and Forward-Looking Business Strategies and Plans:

Comcast's internal business plans, internal company communications, and competitive analyses which contain the company's analyses of particular sectors of the media and communications industry; and detail perceived trends, possible business initiatives to respond to those trends, and customer analyses.

[2] "Highly Confidential Information" means information contained in Stamped Highly Confidential Documents or derived there from that is not otherwise available from public sources and that the Submitting Party has kept strictly confidential that the Submitting Party has kept strictly confidential, and that, the Submitting Party claims, constitutes some of its most sensitive business data which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. *See Second Protective Order* at para. 5.

[3] *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Protective Order, 25 FCC Rcd 2133 (MB 2010)

C. Comcast's Detailed Customer Data:

Comcast's granular customer data disaggregated by DMA, sub-region or other limited geographical area, and by periods of time, such that competitors could discern trends over time, including, month, quarter or year, as well as data about homes passed, new customers, and customer churn.

D. Comcast Detailed Financial Data:

Granular data about Comcast's programming budgets, expenditures associated with customer acquisition, costs ascribed to specific business sectors and network expenditures, and revenues by business unit.

E. NBCU's Strategy for Retransmission Consent Negotiations:

Documents that include highly sensitive details regarding NBCU's strategies for retransmission consent negotiations, including financial analyses of retransmission consent arrangements and presentations regarding negotiation strategies.

F. NBCU's Video Programming and Carriage Agreement Terms and Conditions:

Information about the details of negotiations with multichannel video programming distributors, including draft term sheets, analyses and potential deal terms, and internal company communications between NBCU executives regarding negotiating strategies and evaluations of proposed deal terms.

G. NBCU's Current and Forward-Looking Business Strategies and Plans:

Internal NBCU business plans and presentations, including documents related to entities in which NBCU has a partial ownership interest, and internal company communications between NBCU executives, which reveal the company's internal deliberations and plans regarding its content distribution strategies, analyses of the business and competitive environment, and analyses related to the proposed Comcast-NBCU joint venture.

Sincerely,

William T. Lake
Chief, Media Bureau