

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

In the Matter of	)	
	)	
Bloomberg L.P.,	)	
Complainant	)	
	)	MB Docket No. 11-104
v.	)	
	)	
Comcast Cable Communications, LLC,	)	
Defendant	)	

**MOTION FOR PARTIAL EXTENSION OF TIME**

Comcast Cable Communications, LLC (“Comcast”), by its attorneys, hereby requests a partial extension of time of the July 1, 2012 deadline set forth in the Media Bureau’s Memorandum Opinion and Order in this proceeding.<sup>1</sup> Specifically, Comcast requests a 45-day extension of time (until August 15, 2012) to complete a subset of the channel realignments required by the *Order*. The vast majority of this subset of realignments can only be achieved through channel relocations, which create the potential for significant viewer disruption and confusion. Providing such a partial extension of time will permit Comcast to provide an effective form of notice to customers served by this subset of the affected lineups, thereby mitigating to some extent the significant consumer disruption and confusion that will result from the *Order*.

The *Order* directs Comcast, by July 1, 2012, to carry Bloomberg Television (“BTV”) in a “news neighborhood” (as that term is defined in the *Order*) on each Comcast headend in the top-

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<sup>1</sup> *Bloomberg L.P. v. Comcast Cable Communications, LLC*, MB Docket No. 11-104, Memorandum Opinion and Order, DA 12-694 (MB rel. May 2, 2012) (“*Order*”).

35 most populous Nielsen Designated Market Areas (“DMAs”). Comcast carries BTV on a total of over 140 headends within the 35 most populous DMAs. Compliance with the Media Bureau’s directive will require Comcast to realign on the affected headends nearly 400 channel lineups that include BTV, but where BTV is not on a channel located in a news neighborhood.<sup>2</sup>

Comcast anticipates that it can include BTV in a news neighborhood as required by the *Order* without overly disruptive channel relocations in approximately 250 of the affected lineups. In these cases, there is an open channel slot within or adjacent to a news neighborhood. Accordingly, Comcast will add BTV to that open channel slot, while avoiding disruption to customers by temporarily “dual-mapping” BTV (i.e., continuing to carry BTV in the channel position in which it is currently located). This way, customers can still find BTV where they are used to seeing it, and once Comcast has properly notified its customers, making them aware of BTV’s new location in the news neighborhood, Comcast will delete BTV from its existing non-news neighborhood location in those lineups. Comcast believes that the first step of this “dual-mapping” process (i.e., the dual-mapping of BTV into a compliant news neighborhood) can be completed for these approximately 250 affected lineups by the July 1, 2012 compliance deadline.

In the remaining more than 130 affected lineups, serving approximately four million subscribers, Comcast will need more time, primarily because it will be required to move a network currently placed in or adjacent to the news neighborhood in order to make room for BTV.<sup>3</sup> As Comcast has previously indicated in this proceeding, relocating a programming network in this way can cause substantial disruption and confusion to consumers:

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<sup>2</sup> See Letter Arthur J. Burke, Esq., Davis Polk & Wardwell LLP, Counsel for Comcast Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 11-104 (May 22, 2012).

<sup>3</sup> In a few of these lineups, Comcast needs more time in order to complete capacity upgrades that will allow it to implement a launch of BTV in high definition on those lineups that

Regular viewers of the networks develop viewership habits and become accustomed to finding networks on their established display channels. Thus, moving these channels from their customary positions has the potential to cause significant confusion to Comcast's customers as they are no longer able to find their favorite channels in the expected locations.<sup>4</sup>

Such disruption may also cause a spike in customer care call center volume, which may cause further problems for consumers:

Spikes in customer care call center volume may in turn cause an across-the-board degradation in the quality of customer service that Comcast is able to offer. Customer service representatives engaged in answering questions regarding new channel placements would be unable to respond to call with more conventional billing or servicing issues. Further, with such a spike in calls to customer service, any customer who calls Comcast customer care following a channel realignment – whether to question the realignment or for another reason – may need to wait much longer than usual to speak to a customer care representative.<sup>5</sup>

In Comcast's experience, the best way to eliminate – or at least substantially reduce – this consumer disruption and confusion is to provide timely advance notice to affected subscribers of the impending channel relocations necessary to carry BTV in a “news neighborhood.” The most effective way to provide such notice is, at a minimum, to provide notice of the channel relocation to each customer through a message on his or her bill at least 30 days in advance of the relocation. Customers are much more likely to open their bills than separately mailed notices from Comcast; they often assume that the latter are marketing solicitations and do not open them.

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will result in compliance with the *Order*, and that cannot be accomplished by July 1. The remainder of this motion deals only with the situations that will require relocations.

<sup>4</sup> *Bloomberg L.P. v. Comcast Cable Communications, LLC, Answer of Comcast Cable Communications, LLC*, MB Docket No. 11-104 (July 27, 2011) (“Answer”) Exhibit 3, Declaration of Jay Kreiling, Vice President, Video Services, Comcast Cable Communications, LLC, at 6 ¶ 14.

<sup>5</sup> *Id.* ¶ 15.

Moreover, customers have some experience with getting notice of channel relocations from Comcast on their bills and expect to find such notices there.

Comcast expects that, by June 16, 2012, it will have completed the process of determining which channels will be relocated in the lineups that require such relocation in order to comply with the *Order* and preparing the appropriate messages to be included on bills for customers served by those lineups. Comcast operates on a 30-day billing cycle (i.e., each customer receives a bill approximately once every 30 days), but in any particular area, the bills are not sent to all customers in such area on the same day – rather they are staggered over a 4-week period so that approximately one-fourth of an area’s customers are receiving their monthly bill at any given time). Comcast cannot, as a practical, operational matter, change the bills once the bills for that phase of the billing cycle have gone out. That is, to complete distribution of a message on the bills for a particular system takes a minimum of 30 days. In addition, creating the messaging and printing the bills can take from one to four weeks to complete, both of which must be done prior to any bills going out in the mail. Accordingly, Comcast will need an additional 60 days from June 16 – to August 15 – to begin and complete the billing cycles in these lineups with the inclusion of a bill message that informs consumers of the impending channel relocations. Comcast thus requests that the July 1, 2012 deadline for these lineups be extended by 45 days, to August 15, 2012, to permit Comcast to provide bill message notices to subscribers.

As noted above, Comcast anticipates meeting the Media Bureau’s July 1 deadline for nearly two thirds of the required channel realignments. Granting a limited extension of time for roughly one third of the required channel realignments is consistent with Commission precedent. Indeed, on its own motion, the Commission recently granted the more extensive relief of a stay

pending its consideration of exceptions from an administrative law judge’s initial decision.<sup>6</sup> In granting that relief, the Commission relied, in significant part, on the fact that Comcast otherwise “may have to undertake multiple channel realignments to implement the channel placement remedy,” and that granting a stay “*will avoid potential disruption to consumers and any affected third-party programmers...*”<sup>7</sup> Grant of a partial extension of time here is also consistent with longstanding Commission precedent of granting temporary relief to “avoid disruption of service to ... subscribers.”<sup>8</sup>

Accordingly, Comcast respectfully requests that the Media Bureau grant this limited request for a partial extension of time as set forth above.

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<sup>6</sup> *The Tennis Channel, Inc. v. Comcast Cable Communications, LLC*, MB Docket No. 10-204, Order, FCC 12-50 (rel. May 14, 2012).

<sup>7</sup> *Id.* ¶ 5 (emphasis added); *see also id.* at n. 21 (“disruption to viewers relates to the public interest factor” in the test for a stay).

<sup>8</sup> *See, e.g., Southern Television System Corp.*, 6 FCC 2d 569 (1966) (five-month waiver); *Pennwire Television Co.*, 5 FCC 2d 758, 759 (1966) (25-month waiver). The Commission has also granted permanent rule waivers to avoid “unnecessary subscriber confusion” in situations where “subscribers ... have grown accustomed to the presence of [a particular broadcast station] in their channel lineup and “would discover ... that the channel has disappeared....” *Nevada Channel 3, Inc.*, 21 FCC Rcd 1884, 189 (MB 2006); *accord TV 34, Inc.*, 20 FCC Rcd 20522, 20527-28 (MB 2005).

Respectfully submitted,

**COMCAST CABLE COMMUNICATIONS, LLC**

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June 1, 2012

**VERIFICATION**

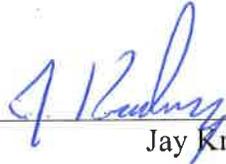
I, Jay Kreiling, do hereby declare under penalty of perjury as follows:

1. I am Vice President, Video Services, Comcast Cable Communications, LLC. I have held that title since 2007, prior to which I was Vice President, Product Management, West Division.
2. I have read the foregoing Motion for Partial Extension of Time and hereby declare that the statements made in this Motion for Partial Extension of Time are true and correct to the best of my personal knowledge, information and belief.

6/1/12

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June 1, 2012



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Jay Kreiling

## CERTIFICATE OF SERVICE

I, Arthur J. Burke, hereby certify that, on June 1, 2012, copies of the attached “Motion for Partial Extension of Time” were filed through the Commission’s Electronic Comment Filing System and served by hand delivery to the following:

Stephen Diaz Gavin  
Kevin J. Martin  
Janet F. Moran  
Patton Boggs LLP  
2550 M. Street, N.W.  
Washington, DC 20037

Robert Silver  
Boies Schiller & Flexner LLP  
575 Lexington Avenue, 7th Floor  
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In addition, a copy of the attached “Motion for Partial Extension of Time” was served by email to:

Brendan Murray  
Media Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Room 4-A373  
Washington, DC 20554

*/s/ Arthur J. Burke*

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Arthur J. Burke