



October 3, 2012

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Revision of the Commission's Program Access Rules*, MB Docket No. 12-68; *News Corporation, The DIRECTV Group, Inc., and Liberty Media Corporation*, MB Docket No. 07-18; *Adelphia Communications Corporation, Time Warner Cable Inc., and Comcast Corporation*, MB Docket No. 05-192

Dear Ms. Dortch:

On October 1, 2012, Stacy Fuller of DIRECTV, LLC and undersigned counsel met with Matthew Berry and Joseph Calascione of Commissioner Pai's office to discuss the above referenced proceedings. We began by reiterating the necessity for extension of the cable exclusivity prohibition in its entirety, or at a minimum with respect to national and regional sports programming, as reliance upon a case-by-case complaint procedure and merger conditions would be a poor substitute for a clear rule of general applicability. We then proceeded to discuss the proposals in DIRECTV's September 21, 2012 *ex parte* designed to minimize consumer disruption, improve the remaining program access rules, and streamline the process for seeking redress should the Commission nonetheless decide to allow the current rule to sunset.¹

In addition, we noted that national networks with significant sports programming, such as ESPN, TNT, and NBC Sports Network,² have content that is just as non-replicable and highly valued as sports programming carried by a regional sports network ("RSN"). Indeed, national sports networks typically preempt games that would otherwise

¹ See Letter from William M. Wiltshire to Marlene H. Dortch, MB Docket Nos. 12-68, 07-18, and 05-192 (filed Sept. 21, 2012).

² DIRECTV recognizes that ESPN and TNT are not currently affiliated with any cable operator, and thus are not subject to the program access rules. We refer to them solely as examples of the type of national networks with significant sports content that would have a significant effect on competition if withheld and thus should be subject to the proposed presumption if they are cable-affiliated.

WILTSHIRE & GRANNIS LLP

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appear on an RSN, as evidenced by the attached schedule of nearly 100 National Hockey League games carried on Versus (now NBC Sports Network) last year. The Commission has more than sufficient evidence from the impact of withholding such programming on a regional basis to exercise its predictive judgment to conclude that withholding on a national scale would have a similar effect.

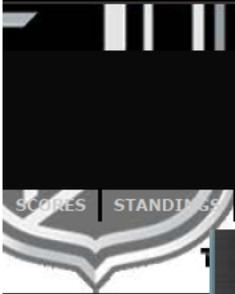
Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV, LLC

Attachment

cc: Matthew Berry
Joseph Calascione



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Schedule



2011-12 NHL ON VERSUS SCHEDULE

DAY	DATE	VISITOR	HOME	EASTERN TIME	LOCAL TIME	NOTES
Thu.	10/6	Philadelphia	Boston	7:00 PM	7:00 PM	
Thu.	10/6	Pittsburgh	Vancouver	10:00 PM	7:00 PM	
Fri.	10/7	N.Y. Rangers	Los Angeles	1:00 PM	7:00 PM	
Sat.	10/8	N.Y. Rangers	Anaheim	1:00 PM	7:00 PM	
Mon.	10/10	Tampa Bay	Washington (Non Exclusive)	7:00 PM	7:00 PM	
Tue.	10/11	Florida	Pittsburgh (Non Exclusive)	7:30 PM	7:30 PM	
Wed.	10/12	Boston	Carolina	7:30 PM	7:30 PM	
Mon.	10/17	Colorado	Toronto	7:00 PM	7:00 PM	
Tue.	10/18	Pittsburgh (Non Exclusive)	Minnesota	7:30 PM	6:30 PM	
Tue.	10/25	Tampa Bay	Buffalo	7:30 PM	7:30 PM	
Mon.	10/31	San Jose	N.Y. Rangers (Non Exclusive)	7:00 PM	7:00 PM	
Tue.	11/1	Anaheim	Washington (Non Exclusive)	7:30 PM	7:30 PM	
Wed.	11/2	Philadelphia	Buffalo	7:30 PM	7:30 PM	
Mon.	11/7	N.Y. Islanders	Boston (Non Exclusive)	7:00 PM	7:00 PM	
Tue.	11/8	Carolina	New Jersey	7:30 PM	7:30 PM	
Wed.	11/9	Philadelphia	Tampa Bay	7:30 PM	7:30 PM	
Mon.	11/14	Buffalo	Montreal	7:00 PM	7:00 PM	
Tue.	11/15	Colorado	Pittsburgh	7:30 PM	7:30 PM	
Wed.	11/16	New Jersey	Buffalo	7:30 PM	7:30 PM	
Mon.	11/21	Boston (Non Exclusive)	Montreal	7:30 PM	7:30 PM	
Tue.	11/22	Los Angeles	St. Louis	7:30 PM	6:30 PM	
Mon.	11/28	Tampa Bay	Minnesota	7:30 PM	6:30 PM	
Tue.	11/29	Pittsburgh (Non Exclusive)	N.Y. Rangers (Non Exclusive)	7:30 PM	7:30 PM	
Wed.	11/30	Tampa Bay	Detroit	7:30 PM	7:30 PM	
Mon.	12/5	Phoenix	Chicago	8:00 PM	7:00 PM	
Tue.	12/6	Detroit (Non Exclusive)	St. Louis	7:30 PM	6:30 PM	
Wed.	12/7	Philadelphia	Buffalo	7:30 PM	7:30 PM	
Mon.	12/12	New Jersey	Tampa Bay	7:00 PM	7:00 PM	
Tue.	12/13	San Jose	Colorado	9:00 PM	7:00 PM	
Wed.	12/14	Chicago	Minnesota	7:30 PM	6:30 PM	
Mon.	12/19	Anaheim	Dallas	8:00 PM	7:00 PM	
Tue.	12/20	Chicago	Pittsburgh	7:30 PM	7:30 PM	
Wed.	12/21	Philadelphia	Dallas	7:30 PM	6:30 PM	
Mon.	12/26	Dallas	St. Louis	7:30 PM	6:30 PM	
Tue.	12/27	St. Louis	Detroit (Non Exclusive)	7:30 PM	7:30 PM	
Wed.	12/28	N.Y. Rangers	Washington	7:30 PM	7:30 PM	
Mon.	1/2	San Jose	Vancouver	8:00 PM	5:00 PM	
Tue.	1/3	Detroit (Non Exclusive)	Dallas	8:00 PM	7:00 PM	
Wed.	1/4	Boston	New Jersey	7:30 PM	7:30 PM	

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NHL GREEN

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 NHL cancels remainder of preseason schedule
 Lidstrom prepares for the next phase of his life
 Davidson reportedly leaving Blues' front office
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Sun. 1/8	Detroit	Chicago	7:30 PM	6:30 PM	
Tue. 1/10	San Jose	Minnesota	7:30 PM	6:30 PM	
Wed. 1/11	Pittsburgh	Washington	7:30 PM	7:30 PM	
Sun. 1/15	N.Y. Rangers	Montreal	7:00 PM	7:00 PM	
Mon. 1/16	Dallas	St. Louis	7:30 PM	6:30 PM	
Tue. 1/17	Nashville	N.Y. Rangers	7:30 PM	7:30 PM	
Wed. 1/18	Buffalo	Chicago	7:30 PM	6:30 PM	
Mon. 1/23	St. Louis	Detroit (Non Exclusive)	7:30 PM	7:30 PM	
Tue. 1/24	Minnesota	Colorado	9:00 PM	7:00 PM	
Wed. 1/25	Detroit	Montreal	7:30 PM	7:30 PM	
Tue. 1/31	Washington	Tampa Bay	7:30 PM	7:30 PM	
Wed. 2/1	N.Y. Rangers	Buffalo	7:30 PM	7:30 PM	
Sun. 2/5	Boston	Washington	12:30 PM	12:30 PM	
Mon. 2/6	Detroit	Phoenix	8:00 PM	6:00 PM	
Tue. 2/7	Los Angeles	Tampa Bay	7:30 PM	7:30 PM	
Wed. 2/8	Boston	Buffalo	7:30 PM	7:30 PM	
Sun. 2/12	Washington	N.Y. Rangers	3:00 PM	3:00 PM	NBC/VERSUS Flex
Sun. 2/12	Philadelphia	Detroit	7:30 PM	7:30 PM	NBC/VERSUS Flex
Mon. 2/13	San Jose	Washington	7:30 PM	7:30 PM	
Tue. 2/14	Anaheim	Minnesota	7:30 PM	6:30 PM	
Wed. 2/15	Boston	Montreal	7:30 PM	7:30 PM	
Sun. 2/19	New Jersey	Montreal	6:00 PM	6:00 PM	
Mon. 2/20	Washington (Non Exclusive)	Carolina	7:30 PM	7:30 PM	
Tue. 2/21	Detroit (Non Exclusive)	Chicago (Non Exclusive)	8:00 PM	7:00 PM	
Wed. 2/22	Los Angeles	Colorado	9:00 PM	7:00 PM	
Sun. 2/26	Chicago	Anaheim	7:00 PM	4:00 PM	
Mon. 2/27	New Jersey	N.Y. Rangers	7:30 PM	7:30 PM	
Tue. 2/28	Los Angeles	Minnesota	7:30 PM	6:30 PM	
Wed. 2/29	Pittsburgh	Dallas	7:30 PM	6:30 PM	
Sun. 3/4	Boston	N.Y. Rangers	3:00 PM	3:00 PM	
Sun. 3/4	Philadelphia	Washington	7:00 PM	7:00 PM	
Mon. 3/5	Buffalo	Winnipeg	8:00 PM	7:00 PM	
Tue. 3/6	Minnesota	Colorado	9:00 PM	7:00 PM	
Wed. 3/7	Toronto	Pittsburgh	7:30 PM	7:30 PM	
Sun. 3/11	Los Angeles	Chicago	7:00 PM	6:00 PM	NBC/VERSUS Flex
Sun. 3/11	Boston	Pittsburgh	7:30 PM	7:30 PM	NBC/VERSUS Flex
Mon. 3/12	Anaheim	Colorado	9:00 PM	7:00 PM	
Tue. 3/13	Carolina	N.Y. Rangers (Non Exclusive)	7:30 PM	7:30 PM	
Wed. 3/14	Colorado	Buffalo	7:30 PM	7:30 PM	
Sun. 3/18	Pittsburgh	Philadelphia	3:00 PM	3:00 PM	NBC/VERSUS Flex
Sun. 3/18	Washington	Chicago	7:00 PM	6:00 PM	NBC/VERSUS Flex
Mon. 3/19	New Jersey	N.Y. Rangers	7:30 PM	7:30 PM	
Tue. 3/20	Phoenix	Dallas	8:00 PM	7:00 PM	
Wed. 3/21	Detroit	N.Y. Rangers	7:30 PM	7:30 PM	
Sun. 3/25	Minnesota	Washington	5:00 PM	5:00 PM	NBC/VERSUS Flex
Sun. 3/25	Nashville	Chicago	7:30 PM	6:30 PM	NBC/VERSUS Flex
Mon. 3/26	Tampa Bay	Philadelphia	7:30 PM	7:30 PM	
Tue. 3/27	Tampa Bay	Boston (Non Exclusive)	7:30 PM	7:30 PM	
Wed. 3/28	Detroit	Columbus	7:30 PM	7:30 PM	
Sun. 4/1	Boston	N.Y. Rangers	3:00 PM	3:00 PM	NBC/VERSUS Flex
Sun. 4/1	Philadelphia	Pittsburgh	7:30 PM	7:30 PM	NBC/VERSUS Flex
Mon. 4/2	Washington (Non	Tampa Bay	7:00 PM	7:00 PM	



TONIGHT ON NHL NETWORK



7:00 ET: Classic Series: 2010 SCP: PHI vs. BOS
 8:00 ET: 2004 Cup Final: CGY @ TB, Gm. 7
 10:00 ET: 2012 Playoffs: NYR @ OTT, ECSF Gm. 3

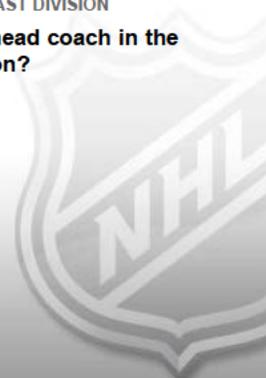
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Thu.	4/5	Columbus	Colorado	9:00 PM	7:00 PM	
Fri.	4/6	Phoenix	St. Louis	7:30 PM	6:30 PM	
Sat.	4/7	Buffalo	Boston	3:00 PM	3:00 PM	NBC/VERSUS Flex
Sat.	4/7	Washington	N.Y. Rangers	3:00 PM	3:00 PM	NBC/VERSUS Flex
Sat.	4/7	Philadelphia	Pittsburgh	4:00 PM	4:00 PM	NBC/VERSUS Flex
Sat.	4/7	Chicago	Detroit	4:00 PM	4:00 PM	NBC/VERSUS Flex

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