

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Applications of)	
)	
AT&T Inc. and)	MB Docket No. 14-90
DIRECTV)	
)	
For Consent to Assign or Transfer Control of)	
Licenses and Authorizations)	
)	

JOINT OPPOSITION TO MOTION FOR EXTENSION OF TIME

AT&T Inc. (“AT&T”) and DIRECTV (jointly, “Applicants”) hereby oppose the Motion for Extension of Time to File Petitions and Comments filed by Public Knowledge and the Community Broadband Networks Initiative, Institute for Local Self-Reliance (“Petitioners”).¹ In their Motion, Petitioners seek a 30-day extension of time to file initial comments and petitions and claim the extension is warranted to allow sufficient time to “provide the Commission with meaningful input” and because of “the convergence between this pleading cycle and the deadlines applicable” to other proceedings of interest to Petitioners.² However, none of these reasons justifies an extension of time, and none of them explains why Petitioners have not even sought to access Applicants’ confidential submissions during the 68 days that have elapsed since Applicants filed their Public Interest Statement in this proceeding. Consistent with the

¹ *Applications of AT&T Inc. & DIRECTV To Transfer Control of Licenses & Authorizations*, MB Dkt No. 14-90, Motion for Extension of Time to File Petitions and Comments of Public Knowledge and the Community Broadband Networks Initiative, Institute for Local Self-Reliance (filed Aug. 15, 2014) (“Motion”).

² *Id.* at 1.

Commission's obligation to review proposed transactions as expeditiously as possible,³ this Motion should be denied.

1. Contrary to their assertions, Petitioners will have ample time under the established pleading cycle "to obtain information, coordinate responses, provide the Commission with meaningful input, and fully develop the record in this proceeding."⁴ The Applicants announced the proposed transaction on May 18, 2014.⁵ On June 11, 2014, the Applicants filed their Public Interest Statement in this proceeding,⁶ which has been publicly available since it was filed.⁷ On the same day, the Commission issued a Joint Protective Order, establishing a process for interested parties to obtain access to the Applicants' confidential submissions.⁸ On August 7, 2014, approximately two months after the Public Interest Statement filing, the Commission

³ *Applications of Comcast Corp., Gen. Elec. Co. & NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Order, 25 FCC Rcd 3101, 3103 ¶ 5 (MB 2010) ("The Commission has an obligation to review the proposed transaction as expeditiously as possible.") (denying request to extend pleading cycle) ("*Comcast/NBCU Order*"); see also 47 C.F.R. § 1.46(a) ("extensions of time shall not be routinely granted").

⁴ Motion at 1.

⁵ Press Release, AT&T, AT&T to Acquire DIRECTV (May 18, 2014), available at http://about.att.com/story/att_to_acquire_directv.html.

⁶ *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Dkt No. 14-90, Description of Transaction, Public Interest Showing and Related Demonstrations of AT&T Inc. and DIRECTV (filed June 11, 2014) ("Public Interest Statement").

⁷ On June 11, 2014, the Commission opened a docket for the transaction. See *Commission Opens Docket for Proposed Transfer of Control of DIRECTV to AT&T Inc.*, MB Dkt No. 14-90, Public Notice, DA 14-803 (June 11, 2014). The trade press widely reported the filing of the Applicants' Public Interest Statement. *AT&T/DIRECTV Commitments Seen as Strong Case for FCC OK*, Communications Daily (June 13, 2014). See *Comcast/NBCU Order*, 25 FCC Rcd at 3103 ¶ 6 (noting that the applications for transaction approval had been publicly available since two business days after they were filed).

⁸ See *Applications of AT&T Inc. & DIRECTV To Transfer Control of Licenses & Authorizations*, MB Dkt No. 14-90, Joint Protective Order, DA 14-804 ¶ 7 (June 11, 2014). To date, Petitioners have not submitted Acknowledgments of Confidentiality under the Joint Protective Order to obtain copies of the Applicants' confidential submissions.

released a Public Notice establishing a pleading cycle of 40 days for filing petitions and comments, 30 days for oppositions, and 20 days for replies.⁹

This pleading cycle is significantly longer than the Commission typically provides in transaction proceedings.¹⁰ Indeed, when comments and petitions are due on September 16, 2014, Petitioners will have had more than three months (97 days) from the Applicants' Public Interest Statement filing, and nearly four months from the announcement of the transaction. This is more than "ample time" to access information about the transaction and provide meaningful input.¹¹ In addition, Petitioners have not availed themselves of the process in place since June 11, 2014 to obtain the Applicants' confidential submissions, a factor the Commission has cited in denying similar requests.¹²

2. Moreover, under Petitioners' proposed extended schedule, the pleading cycle would not be complete until December 5, 2014, nearly *six months* after the Applicants' Public Interest Statement filing, 120 days after the release of the Public Notice, and two-thirds of the

⁹ *Applications of AT&T Inc. & DIRECTV To Transfer Control of Licenses & Authorizations*, MB Dkt No. 14-90, Public Notice, DA 14-1129 (Aug. 7, 2014) ("Public Notice"). Comments and Petitions are due September 16, 2014; Responses to Comments and Oppositions to Petitions are due October 16, 2014; and Replies to Responses and Oppositions are due November 5, 2014. The time periods for each pleading are comparable to those established for Comcast/Time Warner, although the due dates for the AT&T/DIRECTV pleadings are approximately three weeks after the Comcast/Time Warner pleading cycle. See *Commission Seeks Comment on Applications of Comcast Corp., Time Warner Cable Inc., Charter Communications, Inc., & SpinCo To Assign & Transfer Control of FCC Licenses & Other Authorizations*, MB Dkt No. 14-57, Public Notice, DA 14-986 (July 10, 2014) (46 days for petitions, 29 days for oppositions, and 15 days for replies).

¹⁰ See, e.g., *Comcast/NBCU Order*, 25 FCC Rcd at 3101, 3102-03 ¶ 4 & n.13 (stating that 45 days for filing comments and petitions to deny and 30 days for filing oppositions is a "significantly longer pleading cycle" and noting that "most recent media-related mergers allowed approximately 30 days for comments and petitions and 15 days for responsive filings").

¹¹ See *id.* at 3103 ¶ 6 (acknowledging that the applicants' economic report was not filed until shortly before pleading cycle was established and concluding that 45-day period for filing petitions and comments nonetheless "provides ample time for review of that document").

¹² See *id.* at 3103 ¶ 6 ("Although compliance with the confidentiality procedures is of critical importance, those requesting an extension have not made the case that such compliance, which need not be time-consuming, justifies an extension under current circumstances.").

way through the Commission’s 180-day transaction timeline. This significant and unjustified delay would be contrary to the Commission’s obligation to complete its review of transactions “as expeditiously as possible”¹³ and would unnecessarily strain Commission resources by leaving only 60 days from the pleading cycle conclusion for the Commission to complete its review within the 180-day transaction timeline.

3. Finally, even if it were correct, Petitioners’ claim that “[t]he outcome of this merger would likely affect, and be affected by, the outcome of many other proceedings with converging deadlines,”¹⁴ would not be a valid basis for delaying review of the Applicants’ proposed transaction.¹⁵ As the Media Bureau concluded in denying a similar extension request, “[i]t is often the case that potential petitioners or commenters . . . have interests in multiple Commission proceedings, and the Commission’s schedule cannot be dictated by the choices made by those parties regarding the allocation of their time and resources.”¹⁶ In addition, Petitioners fail to support their claim that the transaction raises novel issues.¹⁷

¹³ *Id.* at 3103 ¶ 5.

¹⁴ Motion at 2.

¹⁵ *Comcast/NBCU Order* at 3103 ¶ 5 (declining to conclude that the “timing of other important proceedings before the Commission is a valid reason for delaying the schedule of [a] merger review”).

¹⁶ *Id.* Petitioners do not acknowledge or attempt to distinguish the Media Bureau’s refusal to extend the Comcast/NBCU pleading cycle. Instead, Petitioners cites to three extensions, *see* Motion at 1-2, in rulemakings and other industry-wide proceedings that are easily distinguishable from this transaction. *See, e.g., Petition for Rulemaking to Amend the Commission’s Rules Governing Practices of Video Programming Vendors*, RM 11728, Public Notice, DA 14-1167 (MB Aug. 11, 2014) (pleading cycle established eight days after petition for rulemaking filed; granted unopposed 30-day extension of initial 30-day filing period); *Petition of Public Knowledge et al. for Declaratory Ruling Stating that the Sale of Non-Aggregate Call Records by Telecommunications Providers Without Customers’ Consent Violates Section 222 of the Communications Act*, Order, 29 FCC Rcd. 742, 742 ¶ 2 (WCB 2014) (pleading cycle established seven days after Public Knowledge filed petition for declaratory ruling; granted unopposed request of Public Knowledge and others for 30-day extension of reply deadline due to federal holiday and weather-related closures); *Accessible Emergency Information, & Apparatus Requirements for Emergency Information & Video Description: Implementation of the Twenty-*

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For these reasons, Applicants respectfully request that the Commission deny the
Petitioners' Motion.

Respectfully submitted,

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August 18, 2014

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First Century Communications & Video Accessibility Act of 2010, Order, 27 FCC Rcd 15,253 (MB 2012) (granted 10-day extension of 20-day initial filing period in rulemaking proceeding).

¹⁷ Motion at 1.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August, 2014, I caused true and correct copies of the foregoing Joint Opposition to Motion for Extension of Time of AT&T Inc. and DIRECTV to be served by electronic mail upon:

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