



Federal Communications Commission
Washington, D.C. 20554

June 22, 2010

DA 10-1116

Via First-Class Mail and E-mail

Pantelis Michalopoulos, Esquire
Christopher Bjornson, Esquire
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

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 Request for Confidentiality

Dear Messrs. Michalopoulos and Bjornson:

On June 21, 2010, you filed, on behalf of DISH Network LLC (“DISH”) and Echostar Corporation (“Echostar” and, together with DISH, the “Petitioners”), confidential and redacted versions of a Petition to Deny and a Highly Confidential Supplement thereto (together, the “Petition”) in the above-referenced proceeding. In addition, you contemporaneously filed a letter requesting highly confidential treatment for information contained in the Petition and giving reasons why such treatment should be accorded to the Petitioners.

As we stated in the *Second Protective Order*,¹ 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 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, as the aforementioned terms are defined in the *Second Protective Order*. As we found at paragraph 3 of that Order, such materials develop a more complete record on which to base the Commission’s decision in this proceeding. 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.

To the extent that we have already granted highly confidential treatment to DISH’s submissions, we need not do so again.² In addition, we confirm that, to the extent that the Petition or Supplement

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*”).

² Letter from William T. Lake, Chief, Media Bureau, to Pantelis Michalopoulos and Christopher Bjornson, Counsel, DISH Network, L.L.C., DA 10-1074 (June 15, 2010) (confirming that the Kunz Declaration should be afforded Highly Confidential treatment under the *Second Protective Order*).

reference terms of DISH's retransmission consent agreement with NBC, or provide facts about a confidential arbitration dispute over retransmission consent of another network's stations, we agree that such information, if released to DISH's competitors, would allow them to gain a significant advantage in the marketplace. Accordingly, we confirm that the information concerning the retransmission consent agreement and the arbitration dispute in connection therewith that you describe in your letters has generally been allowed to be designated "Highly Confidential" under the Commission's protective orders. Accordingly, to the extent that the information, data or documents (or portions thereof) both (a) contain Highly Confidential Information, as defined in the *Second Protective Order*³, and (b) are either disaggregated customer data, detailed financial data or current or forward-looking business strategies or plans, then such information and documents (or portions thereof) may be designated and submitted as "Highly Confidential" under the *Second Protective Order*.

Sincerely,

William T. Lake
Chief, Media Bureau

³ "Highly Confidential Information" means information contained in Stamped Highly Confidential Documents or derived therefrom that is not otherwise available from public sources, 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.