



Federal Communications Commission
Washington, D.C. 20554

August 20, 2010

DA 10-1586

Via First-Class Mail and E-mail

Janet Fitzpatrick Moran, Esquire
Patton Boggs LLP
2550 M Street, N.W.
Washington, DC 20037

Re: Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses, MB Docket No. 10-56; Response to Request for Enhanced Confidential Treatment

Dear Ms. Moran:

By your letter dated August 17, 2010¹, pursuant to the terms of the *Second Protective Order*,² you request enhanced confidential treatment for certain information and documents to be submitted by your client, Bloomberg, L.P. (“Bloomberg”), as part of Bloomberg’s Reply and associated rebuttal economic report in the above referenced proceeding (the “Reply”), which you represent contain the same categories of information for which the Media Bureau previously granted Bloomberg highly confidential treatment with regard to its Opposition filed in the proceeding.³ Subject to the limitations set forth below, we grant this request.

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 submitting such documents and information to designate those materials as Highly Confidential⁴ 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

¹ Letter from Janet Fitzpatrick Moran, Esquire, Patton Boggs LLP, to William T. Lake, Chief, Media Bureau, Federal Communications Commission, Aug. 17, 2010.

² *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Second Protective Order, 25 FCC Rcd 2140 (MB 2010) (“*Second Protective Order*”).

³ Letter from William T. Lake, Chief, Media Bureau, Federal Communications Commission, to Stephen Diaz Gavin, Esquire, Patton Boggs LLP, 25 FCC Rcd 8048 (MB Jun. 23, 2010).

⁴ “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.

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.

You represent in your August 17 letter that the information and documents contained in Bloomberg's Reply for which enhanced highly confidential treatment is sought include some of Bloomberg's most sensitive business information, that Bloomberg usually does not disclose and is of the type that the Commission has previously afforded heightened confidential protection. You assert that disclosure of this material in this proceeding to Bloomberg's competitors would have a serious negative effect on Bloomberg's business and place Bloomberg at a significant competitive disadvantage.

Bloomberg seeks highly confidential treatment for the following categories of information contained in its Reply:

- A. *Bloomberg's Detailed Financial Data.* Cost and revenue data, disaggregated by designated market area, city, sub-city unit, or at the individual subscriber level, and separately stated for video, voice and Internet services that is further broken down by month, year or several years, including budget information for 2010.
- B. *Bloomberg's Advertising Revenue Data.* Information relating to advertising revenue that discloses the net advertising revenue for Bloomberg that (i) is disaggregated by source and by year, and (ii) discloses the relative values of advertising revenues generated by a viewer of Bloomberg programming from an online source compared to other sources.
- C. *Bloomberg's Advertising Sales, Financial and Operating Results.* Detailed information regarding advertising revenues and expenses, including expenses relating to the development of advanced advertising platforms, disaggregated by business unit and type of expense.
- D. *Bloomberg's Carriage Agreement Terms and Conditions.* Information relating to the details of video programming and carriage agreements, programming rights, retransmission agreements, linear carriage agreements, video-on-demand agreements, and online distribution agreements, including information regarding the details of the negotiation for such agreements; analyses of such agreements or negotiations.
- E. *Bloomberg's Current and Forward-Looking Business Strategies and Plans.* Detailed information relating to Bloomberg's current and forward-looking business strategies and marketing plans.

Accordingly, based on the representations made by you and to the extent that the information, data or documents (or portions thereof) in the Reply both (a) contain Highly Confidential Information, as defined in the *Second Protective Order*, and (b) contain information of the type described herein, 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