



Federal Communications Commission  
Washington, D.C. 20554

August 24, 2010

**DA 10-1603**

*Via First-Class Mail and E-mail*

William M. Wiltshire, Esquire  
Wiltshire & Grannis LLP  
1200 18<sup>th</sup> Street, N.W., Suite 1200  
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; Request for Highly Confidential Treatment Under Second Protective Order

Dear Mr. Wiltshire:

Pursuant to the terms of the *Second Protective Order* in the above-noted proceeding,<sup>1</sup> by your letter dated August 18, 2010,<sup>2</sup> on behalf of your client DIRECTV, Inc. ("DIRECTV"), you request Highly Confidential treatment of certain data cited to by DIRECTV in its Reply in the proceeding. Thus, you represent that this data falls within a category of information for which the Media Bureau previously has granted to Comcast Corporation ("Comcast") Highly Confidential treatment. 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 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.

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<sup>1</sup> *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").

<sup>2</sup> Letter from William M. Wiltshire, Esquire, Wiltshire & Grannis LLP, to William T. Lake, Chief, Media Bureau, Federal Communications Commission, Aug. 18, 2010 ("August 18, 2010 Letter").

You represent in your August 18 Letter that the data for which you seek Highly Confidential treatment is sought is the product of its surveys of its former and current customers, including “information on which MVPD a new subscriber was coming from and from which MVPD a departing subscriber was going to, including certain causes for such switching.” You assert that “[t]he data at issue here would not just allow competitors to ‘discern trends over time;’ it actually reveals those trends directly—*i.e.*, the switching habits of DIRECTV customers.” Thus, you state that granting Highly Confidential protection of this data would be consistent with the protections that the Commission has already granted in the *Second Protective Order*, in that the data is as follows:

DIRECTV’s Detailed Customer Data. “Detailed customer data from which competitors could discern trends over time.”<sup>3</sup>

You indicate further that such data includes some of DIRECTV’s most sensitive and confidential business information, not available from public sources, and that disclosure of this information in this proceeding to DIRECTV’s competitors would have a serious negative effect on DIRECTV’s business and place DIRECTV at a significant competitive disadvantage.

Accordingly, based upon the representations made by you and to the extent that the data, information or documents (or portions thereof) both (a) contain Highly Confidential Information, as defined in the *Second Protective Order*,<sup>4</sup> and (b) contain information of the type described herein, then such data, information or documents (or portions thereof) may be designated and submitted as “Highly Confidential” under the *Second Protective Order*.

Sincerely,

William T. Lake  
Chief, Media Bureau

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<sup>3</sup> August 18, 2010 Letter (quoting *Second Protective Order* ¶ 6).

<sup>4</sup> “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.