



Federal Communications Commission
Washington, D.C. 20554

October 27, 2010

DA 10-2063

Via First-Class Mail and E-Mail

Michael H. Hammer, Esquire
Willkie Farr & Gallagher LLP
1875 K Street, NW
Washington, DC 20006

A. Richard Metzger, Jr., Esquire
Lawler, Metzger, Keeney & Logan, LLC
2001 K Street, NW, Suite 802
Washington, DC 20006

David H. Solomon, Esquire
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037

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 Supplemental Request for Enhanced Confidential Treatment, dated October 22, 2010

Dear Messrs. Hammer, Metzger and Solomon:

By your letter of October 22, 2010, pursuant to the terms of the *Second Protective Order*,¹ you request enhanced confidential treatment for two agreements with Common Sense Media (“CSM”) that your respective clients intend to file. Subject to the limitations set forth below, we grant the request.

You generally represent that the documents for which you seek protection “contain sensitive business information the Applicants typically do not disclose,” and that disclosure of such information to the Applicants’ competitors or people with whom the Applicants do business “would have a serious negative effect on Applicants’ businesses and place Applicants at a significant competitive disadvantage.” Further, for each category of information for which you seek protection, you explain why that information should not be publicly disclosed and should be designated Highly Confidential.

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

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”).*

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. We find that such materials are necessary to develop a more complete record on which to base the Commission's decision in this proceeding and therefore require their production. We are mindful of the highly sensitive nature of the documents 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.

We agree that the information that you describe in your letter has generally been allowed to be designated "Highly Confidential" under the Commission's protective orders, including that in this proceeding. Accordingly, to the extent that the documents (or portions thereof) both fall within the categories of information listed below and contain Highly Confidential Information, as defined in the *Second Protective Order*,² then such documents (or portions thereof) may be designated and submitted as "Highly Confidential" under the *Second Protective Order*. To the extent that portions of the responses, including documents that do not contain Highly Confidential Information, they are to be produced in unredacted format or submitted as "Confidential" under the first *Protective Order*,³ as appropriate.

Categories Eligible for Highly Confidential Treatment

A. Comcast's Video Programming and Carriage Agreement Terms and Conditions:

Terms and conditions of an amendment to Comcast's video programming and carriage agreement with CSM, which includes financial information, for example, license fees.

B. NBCU's Video Programming and Carriage Agreement Terms and Conditions:

An agreement similar in effect to a video programming agreement between NBCU and CSM, but solely with respect to the license fee stated therein.

Sincerely,

William T. Lake
Chief, Media Bureau

² "Highly Confidential Information" means information contained in Stamped Highly Confidential Documents or derived there from that is not otherwise available from public sources and that the Submitting Party has kept strictly confidential 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.

³ *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*, Protective Order, 25 FCC Rcd 2133 (MB 2010).