

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

In the Matter of
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

ORDER

Adopted: April 5, 2010

Released: April 5, 2010

By the Chief, Media Bureau:

1. On March 18, 2010, the Commission released a Public Notice seeking comment on the applications of Comcast Corporation ("Comcast"), General Electric Company, and NBC Universal, Inc. ("NBCU" and collectively, the "Applicants") to assign and transfer control of FCC licenses. On March 22, 2010, the Mabuhay Alliance ("Mabuhay") filed a "Petition Opposing Comcast Acquisition of NBC Universal on Behalf of Asian Americans and Request to Stop Merger Proceedings Until There Are Widespread Public Hearings" (the "Petition"). In its Petition, Mabuhay opposes the proposed transaction and requests that the Commission halt its review of the transaction until it holds "widespread public hearings" and "examines in a formal process the diversity content implications of the transaction on Asian Americans and other minorities." Mabuhay further requests that the Commission appoint a Special Master to obtain from Comcast and NBCU: (1) "a comprehensive description of all programs from the last five years that reference Asian Americans, including sub-ethnic groups, and specific content, including all positives and negatives;" (2) "data on the number of Asian Americans employed at senior management and in content development;" and (3) "information on philanthropic investments to the Asian American community and outside contracts with Asian American owned businesses."

2. On March 25, 2010, the Applicants filed a "Joint Opposition to Request to Stop Merger Proceedings" (the "Opposition"), arguing that the Petition should be denied because the Commission's ongoing review process already provides for ample public participation. The Applicants also assert that there is no precedent for staying a transaction review process prior to the initial pleading cycle in order to conduct public hearings, as Mabuhay urges be done here. On March 29, 2010, Mabuhay filed an "Asian

1 Commission Seeks Comment on Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign and Transfer Control of FCC Licensees, Public Notice, MB Docket No. 10-56, DA 10-457 (rel. Mar. 18, 2010) ("Public Notice").

2 Mabuhay states that its Petition is an amendment to its March 15, 2010 filing, "Opposition to Comcast Acquisition of NBC Universal: Potential Threat to 15 Million Asian Americans."

3 Petition at 1.

4 Id.

5 Opposition at 1-2.

American Response to Comcast ‘Joint Opposition to Request to Stop Merger Proceedings (by Mabuhay Alliance)’” in response to the Opposition, contending that public hearings would be neither disruptive nor burdensome.<sup>6</sup> As discussed below, we find no reason to depart from the procedure the Commission has established for reviewing the proposed transaction, and we therefore deny the Petition.

3. We seek to conduct this proceeding in a manner that is fair, transparent, and efficient. This includes inviting input from all concerned persons or entities. The *Public Notice* established a lengthy pleading cycle to allow interested parties to raise issues of concern about the proposed transaction. The pleading process provides an open and transparent forum for public participation by any interested party, and we do not see the logic in delaying that process in order to hold preliminary public hearings. This adjudicatory proceeding initiated by the Commission with the *Public Notice* provides the formal process by which the Commission will consider the potential public interest benefits and harms of the proposed transaction. Mabuhay, as well as any other concerned individuals or entities, will have ample opportunity through the pleading process to address any issues they may choose, including diversity, through written comments or petitions to deny. They also may raise their concerns through *ex parte* meetings with staff and Commissioners.<sup>7</sup> Finally, we reject Mabuhay’s suggestion to appoint a Special Master to collect data that the Commission itself may gather through usual discovery procedures, if it so chooses.

4. Accordingly, the Petition is DENIED. This action is taken pursuant to authority delegated by Section 0.283 of the Commission’s Rules.<sup>8</sup>

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake  
Chief, Media Bureau

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<sup>6</sup> Response at 1-2.

<sup>7</sup> Mabuhay thus far has not requested an *ex parte* meeting with Commission staff.

<sup>8</sup> 47 C.F.R. § 0.283.