

**June 3, 2010 Revised Instructions For
Filing Responses to Information and Document Requests**

These instructions supplement the instructions set forth in the Public Notice and Protective Orders in this proceeding and take into account the Commission's recently installed software. Specifically, these instructions relate to submissions of documents responsive to the Information and Document Requests and do not supersede any instructions established by the Public Notice and Protective Orders relating to submissions to the FCC Secretary's Office or to Best Copy and Printing, Inc. In addition, with regard to responsive documents that contain Confidential or Highly Confidential Information, notwithstanding the instructions set forth in the Protective Order and Second Protective Order, those documents should be processed, organized, and submitted to staff in electronic form as set forth herein. Revisions to the earlier instructions are marked in bold.

6. Indicate to which request number submitted materials are responsive and group those submitted materials according to that request number. **If a document is responsive to more than one request, submit the document for the first request to which it is responsive, and indicate in the metadata accompanying the document all subsequent requests to which it also is responsive, in accordance with instruction 7 below.** In addition, responses should be grouped, identifying the appropriate custodian. Where more than one identical copy of a requested document exists, the Company shall only submit one representative copy.

7. **Responsive materials to the Commission's information and document requests shall be produced to Commission staff in electronic form only. This instruction supersedes the instruction in the Protective Orders that requires providing the staff with two copies of documents containing Confidential and Highly Confidential Information. The Commission does not require submission of paper copies to the staff at this time, but reserves the right to require submission of hard-copy records in the future.**
 - A) **Electronic Records.** Documents and data that the Company possesses or maintains as electronic records (*e.g.*, e-mail) shall be produced in their native format (*e.g.*, e-mail created in Microsoft Outlook should be provided in .pst format and spreadsheets created in Microsoft Excel should be produced in .xls format). In all cases, electronic documents and data shall be produced in a format that allows the Commission to access and use them, together with instructions and all other materials necessary to use or interpret the data, including metadata, record layouts and data dictionaries, and a description of the data's source. The Company should clearly and completely label all columns and rows of each spreadsheet or database, and indicate the Company and the number and subpart of the request in the title at the top of each spreadsheet or database, in the file name of each spreadsheet or database, and on the label of each CD submitted. The Company shall provide the following minimum amount of metadata with each electronic record submitted: Company; Custodian; Document ID; DOJ Document Number; Request Number; Author; Recipient; CC's; Privilege (Y/N); 1LPO; and 2LPO.

- B) **Paper Records.** Documents and data that the Company possesses or maintains as paper records shall be converted into electronic images by scanning. The Company shall process the scanned images by use of optical character recognition (“OCR”) software to create a searchable OCR text file that corresponds to each scanned image. Each scanned image of a document should share the same Document ID as the searchable OCR text file that corresponds to the document. The Company also should process each OCR searchable text file and, with each text file submitted, provide the following minimum amount of metadata: Company; Custodian; Document ID; DOJ Document Number; Request Number; Author; Recipient; CC’s; Privilege (Y/N); 1LPO; and 2LPO.
- C) **Format and Method of Submitting of Documents in Electronic Format.** The Company shall coordinate with Commission staff, or designated information technology personnel, to ensure that documents submitted in electronic format are submitted in a technological format that is compatible with Commission database systems (e.g., CT Summation Document Image Information (“DII”) files). As much information as possible should be delivered as part of the DII files, including without limitation all metadata and all links between Document IDs of scanned images and Document IDs of OCR text files (the DII files must contain all pointers between scanned and OCR’d files). For documents and data submitted in electronic format, each electronic media device (e.g., CD-Rom) must be labeled so as to identify the contents of that media device. For electronic media devices containing electronic documents, the label must state which company’s and which custodian’s documents are contained on the device and the range of document control numbers of those documents. Responses to items providing a significant amount of data, including items 6, 7, 15, 16, 17, 18, and 19 should be submitted only as: (1) a machine-readable Excel spreadsheet (preferred) or (2) as an Access database, unless otherwise negotiated with the Commission.
- D) **Cover Letter and Document IDs.** With each submission, provide a cover letter that: (1) identifies as appropriate the number of boxes, packages, or electronic media devices delivered and the Document ID ranges of documents (i.e., “Bates ranges”) contained in each respectively numbered box, package, or electronic media device (if only one package is delivered, so state); (2) identifies documents by the request to which they respond and also identifies the consecutive Document ID numbers corresponding to that request (you should use initial alpha-numeric codes to signify each request, e.g., 09nbcu0000001 or 16nbcu0000001, where “nbcu” means “NBC Universal” and “09” and “16” refer to Information Request Numbers 9 and 16, respectively. Do not skip Document ID numbers, but, if doing so is unavoidable, identify any Document ID numbers that were skipped); (3) indicates whether the materials are a partial or full response to any request to which they respond; and (4) lists the Document ID numbers (or ranges of Document ID numbers) of documents by custodian (these custodian-Document ID number lists do not need to be consecutive, but to the extent it is possible to cluster a custodian’s document with each set of requests, do so). Paginate any public and nonpublic responses (i.e., submitted pursuant to the Protective Order or Second Protective Order) to the requests identically for ease of reference. For multiple-unit deliveries, consistently and clearly label as appropriate each box, package or electronic media

device with the following information: the name of the submitting party; date of the submission; box or package number; range(s) of Document ID numbers enclosed; and custodians from whom the documents were obtained.

8. **(Previous instruction 8 now incorporated into revised instruction 7.)**

11. Any documents that are withheld in whole or in part from production based on a claim of privilege shall be assigned document control numbers (with unique consecutive numbers for each page of each document). **For any page of any document that the Company has designated to be withheld as entirely privileged, the Company shall submit a substitute, placeholder page that lists only the Document ID of the page that was withheld in entirety as privileged and a statement indicating that the page has been withheld in entirety as privileged. For any document withheld as entirely privilege, it is sufficient to supply one substitute, placeholder page for that document, so long as the range of Document IDs for the entire document is listed on the placeholder page and each Document ID for each page of the document is reflected in metadata. The placeholder pages must be OCR'd as any other paper record, as described in paragraph 7.B above. For each document withheld as privileged, whether in entirety or in part, the Company shall code the substitute document submitted as follows and provide the following information as metadata: Company; Custodian; Document ID; Request Number; DOJ Document Number; Author; Recipient; CC's; Summary; Privilege (Y/N); Type of Privilege; Attorneys; 1LPO; and 2LPO.** The Company shall also provide a statement of the claim of privilege and all facts relied upon in support of the decision to withhold each document, in the form of a log that conforms to the requirements set forth below.

12. For each document identified on the Company privilege log:
 - A) Provide the document control number(s);
 - B) Identify all authors of the document;
 - C) Identify all addressees of the document;
 - D) Identify all recipients of the document or of any copies of the document, to the extent not included among the document's addressees;
 - E) Provide the date of the document;
 - F) Provide a description of the subject matter of the document;
 - G) State the nature or type of the privilege that the Company is asserting for the document (*e.g.*, "attorney-client privilege");
 - H) Provide the number(s) of the Request to which the document is responsive;
 - I) Provide the document control number(s) of any attachments to the document, regardless of whether any privilege is being asserted for such attachment(s); and
 - J) State whether the document has been produced in redacted form, and include the range of **Document ID** labels for those produced documents.