

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Applications of Comcast Corporation,)	MB Docket No. 10-56
General Electric Company)	
and NBC Universal, Inc.)	
)	
For Consent to Assign Licenses or)	
Transfer Control of Licensees)	

**JOINT OBJECTION TO DISCLOSURE OF
CONFIDENTIAL AND HIGHLY CONFIDENTIAL INFORMATION**

Pursuant to the Protective Order¹ and the Second Protective Order² in the above-captioned proceeding, Comcast Corporation (“Comcast”), General Electric Company, and NBC Universal, Inc. (“NBCU”) (collectively, “Applicants”) hereby object to the disclosure of Applicants’ Confidential and Highly Confidential Information to Debbie Goldman, Telecommunications Policy Director and Research Economist of the Communications Workers of America (“CWA”).³

The First Protective Order limits access to Confidential Information to Outside Counsel, In-House Counsel (provided that such counsel are not involved in competitive decision-making), and outside consultants and experts (who are similarly disallowed if they are involved in

¹ *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*, Protective Order, 25 FCC Rcd 2133 ¶ 7 (MB 2010) (“First Protective Order”).

² *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*, Second Protective Order 25 FCC Rcd 2140 ¶ 4 (MB 2010) (“Second Protective Order”).

³ Applicants received signed Acknowledgments pursuant to the First and Second Protective Orders from Ms. Goldman on April 23, 2010. *See* Exhibit 1 (Ms. Goldman’s Acknowledgments).

competitive decision-making).⁴ The Second Protective Order limits access to Highly Confidential Information to Outside Counsel, Outside Consultants and experts,⁵ and “any expert employed by a non-commercial party in these proceedings” (all with the same restriction regarding competitive decision-making).⁶ Together, these restrictions limit the disclosure of competitively sensitive information to individuals who should have no ability or incentive to use knowledge acquired from such information to harm the interests of the submitting parties.⁷

CWA is not a “non-commercial party” under the Second Protective Order. As a workers’ union engaged in collective bargaining on behalf of its union members, CWA negotiates on behalf of Applicants’ employees with respect to the terms of wages, benefits, working conditions, employment security, and other provisions in collective bargaining agreements.⁸ Unlike a public interest group or other “non-commercial party” with no potential competitive interest in Applicants’ Confidential and Highly Confidential Information, CWA could use knowledge acquired from such information – including detailed information about Applicants’ profits, costs, and operations – to inform its strategies as it negotiates its agreements with Applicants. Accordingly, CWA is not a “non-commercial party” for purposes of the Second Protective Order and Ms. Goldman should be denied access to such information on this ground alone.

⁴ First Protective Order ¶¶ 4, 10.

⁵ Second Protective Order ¶ 3.

⁶ Second Protective Order ¶ 5.

⁷ *See In the Matter of Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816 ¶ 21 (1998) (noting that protective orders are adopted to “protect[] competitively valuable information while permitting limited disclosure for a specific purpose”).

⁸ About CWA, http://www.cwa-union.org/pages/about_cwa/ (last visited Apr. 28, 2010).

But even if CWA could be considered a “non-commercial party” under the Second Protective Order – which it plainly is not – Ms. Goldman would still be ineligible for access to both Confidential and Highly Confidential Information. CWA has long been involved in collective bargaining activities on behalf of CWA and its members,⁹ including some directly with Applicants.¹⁰ And Ms. Goldman’s responsibilities include, among other things, “providing support to the union’s collective bargaining” activities.¹¹ Such activities involve “competitive decision-making” within the meaning of the First and Second Protective Orders.¹² The carve out that permits access by in-house experts of non-commercial parties in the Second Protective Order is presumably intended to help reduce costs for truly non-commercial entities, like public interest groups. It is not a loophole for employees of a party who have been engaged in competitive activities involving Applicants to gain access to Applicants’ most confidential and commercially sensitive information.

⁹ Other parties have objected to CWA and Ms. Goldman having access to their confidential and highly confidential information for the same reasons. *See, e.g.,* Frontier Communications Corp. & Verizon Communications Inc., Objection to Request for Access to Second Protective Order Information, *Application of Verizon Communications Inc. and Frontier Communications Corp. for Consent to Transfer Control of Domestic Section 214 Authority*, WC Docket 09-95, at 4-5 & n.19 (Feb. 12, 2010) (objecting to Ms. Goldman having access to information under Second Protective Order and noting that Ms. Goldman’s bio on the Alliance for Public Technology website indicates that her duties at CWA include “providing support to the union’s collective bargaining and organizing program”).

¹⁰ *See, e.g.,* NABET-NBC Bargaining Mobilizing Keeps Spirits Up, Talks Moving, Mar. 1, 2010, available at http://www.cwa-union.org/news/entry/NABET-NBC_Bargaining_Mobilizing_Keeps_Spirits_Up_Talks_Moving (describing recent CWA-NBC collective bargaining negotiations).

¹¹ *See* Speaker Bios – March 18, 2009, *From Deployment to Employment: Broadband Challenges and Opportunities Surrounding Implementation of the Stimulus Package*, Alliance for Public Technology (containing a biography of Ms. Goldman referencing her role in “providing support to the union’s collective bargaining” activities) (Exhibit 2); *see also* User Profile for Debbie Goldman, <http://tba2008.confabb.com/users/profile/dgoldman++> (containing same biography) (last visited Apr. 28, 2010).

¹² The Second Protective Order defines “competitive decision-making” to include both “advice about or participation in the business decisions of the client or any competitor of a Submitting Party” as well as “the analysis underlying the business decisions” of such client or competitor. Second Protective Order ¶ 5; *see also* First Protective Order ¶ 10.

CWA has retained Outside Counsel who have filed signed Acknowledgments and are entitled to access Applicants' Confidential and Highly Confidential Information pursuant to both Protective Orders.¹³ Thus, CWA will not be harmed by enforcement of the terms of the Protective Orders with respect to Ms. Goldman.

For the foregoing reasons, Applicants request that the Media Bureau deny Ms. Goldman access to Applicants' Confidential and Highly Confidential materials submitted pursuant to the First and Second Protective Orders in this proceeding. Granting this request is necessary to preserve and enforce the limitations and protections established by the Protective Orders for Applicants' Confidential and Highly Confidential Information.

¹³ First Protective Order ¶¶ 4, 10; Second Protective Order ¶¶ 3, 5.

Respectfully submitted,

Michael H. Hammer

Michael H. Hammer
WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006
(202) 303-1000
Counsel for Comcast Corporation

A. Richard Metzger, Jr.

A. Richard Metzger, Jr.
LAWLER, METZGER, KEENEY & LOGAN, LLC
2001 K Street, NW, Suite 802
Washington, DC 20006
(202) 777-7700
Counsel for General Electric Company

David H. Solomon

David H. Solomon
WILKINSON BARKER KNAUER, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
(202) 783-4141
Counsel for NBC Universal, Inc.

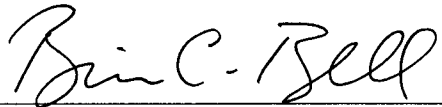
April 28, 2010

CERTIFICATE OF SERVICE

I, Brien C. Bell, hereby certify that on April 28, 2010, copies of the attached Joint Objection to Disclosure of Confidential and Highly Confidential Information were served by electronic mail and overnight delivery to the following.

Debbie Goldman
Telecommunications Policy Director and Research Economist
Communications Workers of America
501 Third Street, NW
Washington, DC 20001
(202) 434-1194
dgoldman@cwa-union.org

Janet F. Moran
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037
(202) 475-6000
jmoran@pattonboggs.com



Brien C. Bell

EXHIBIT 1

April 23, 2010

Janet F. Moran
Direct 202-457-5668
Direct Fax 202-457-6482
jmoran@pattonboggs.com

VIA ECFS

Mr. William Lake
Chief, Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Acknowledgements of Confidentiality, Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer of Control of Licenses, MB Docket No. 10-56*

Dear Mr. Lake:

On behalf of Communication Workers of America (“CWA”), pursuant to paragraphs 7 and 10 of the Protective Order and paragraphs 4 and 9 of the Second Protective Order, please find enclosed copies of the Acknowledgements of Confidentiality from CWA’s Telecommunications Policy Director and Research Economist, Debbie Goldman.

Pursuant to paragraph 8 of the Protective Order and paragraph 12(b) of the Second Protective Order, we request a complete set of the Confidential and Highly Confidential documents, including those in electronic format, to be provided at our expense for CWA’s Telecommunications Policy Director and Research Economist.

Mr. William Lake
April 23, 2010
Page 2

Copies of this letter and the enclosure are being served today on counsel for Submitting Parties. If you have any questions, please contact me at (202) 457-5668.

Respectfully submitted,

**COMMUNICATION WORKERS OF
AMERICA**

By: Janet F. Moran/rea

Janet F. Moran
PATTON BOGGS LLP
2550 M Street NW
Washington, DC 20037
(202) 457-6000

Its Counsel

cc: Michael H. Hammer, Counsel for Comcast Corporation
A. Richard Metzger, Counsel for General Electric Company
Bryan N. Tremont, Counsel for NBC Universal, Inc.
James Bird, FCC
Marcia Glaubergerman, FCC
Best Copy and Printing, Inc.
Jessica Almond, FCC
Vanessa Lemmé, FCC

Enclosures

JFM:rea

APPENDIX A

Acknowledgment of Confidentiality

MB Docket No. 10-56

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 4 of the foregoing Protective Order and that I will not use such information in any other capacity, nor will I disclose such information except as specifically provided in the Protective Order. I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 4 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order. I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 16 day of April, 2010



Debbie Goldman
Telecommunications Policy Director and Research
Economist
Communications Workers of America
501 Third Street NW
Washington, D.C. 20001
202-434-1194

APPENDIX A

Acknowledgment of Confidentiality

MB Docket No. 10-56

I hereby acknowledge that I have received and read a copy of the foregoing Second Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Second Protective Order and that I shall not disclose or use Stamped Highly Confidential Documents or Highly Confidential Information except as allowed by the Second Protective Order. I acknowledge that a violation of the Second Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Second Protective Order is due solely to my capacity as Outside Counsel or Outside Counsel of Record or Outside Consultant to a party or other person described in paragraph 12 of the foregoing Second Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Second Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Highly Confidential Documents and Highly Confidential Information are used only as provided in the Second Protective Order; and (2) Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Second Protective Order, and I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Stamped Highly Confidential Documents or Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Second Protective Order.

Executed at Washington DC this 16th day of April, 2010

Rebbie Goldman

[Name]
[Position]
[Address]
[Telephone]

Rebbie Goldman
Telecommunications Policy Director
and Research Economist
Communications Workers of America
501 Third St NW
Washington DC 20001
202-434-1194

EXHIBIT 2

This is Google's cache of http://www.apt.org/events/2009/bios_031809.html. It is a snapshot of the page as it appeared on Feb 9, 2010 05:26:37 GMT. The [current page](#) could have changed in the meantime. [Learn more](#)

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**From Deployment to Employment:
*Broadband Challenges and Opportunities Surrounding Implementation of the Stimulus Package***

SPEAKER BIOS

Lynne Bradley is director of the American Library Association's (ALA) Office of Government Relations. In this capacity, she serves as ALA's primary lobbyist coordinating the legislative and grassroots lobbying efforts on library issues including telecommunications, copyright, appropriations, privacy and the USA PATRIOT Act. Ms. Bradley has been with ALA for 12 years after working in public and academic libraries in Maryland and the District of Columbia. Before coming to the ALA Washington Office, she managed her own small research company, wrote a political column for a local monthly newspaper and served three terms on her local city council in Takoma Park, Maryland. Ms. Bradley has degrees from Cornell University and the University of Maryland.

Matthew Chase has served as the Executive Director of the National Association of Development Organizations (NADO) and the NADO Research Foundation since October 2003. From March 1997 to August 2000, he served as the association's Director of Legislative Affairs until he was promoted to Deputy Executive Director. Prior to joining NADO, he was the Chief Operating Officer and Membership Services Director of the Professional Managers Association in Washington, DC.

Chase has extensive advocacy experience with federal community, economic and rural development programs, including successful campaigns to reauthorize the Economic Development Administration (EDA) in 1998 and 2004, establish the Delta Regional Authority in the early 2000s and preserve annual funding for core rural development programs under USDA. He remains at the forefront in advancing federal policies to enhance rural transportation planning and services. In addition, he is a regular presenter on the impact of federal budget and appropriations trends on small metropolitan and rural America.

As the chief administrative officer of the NADO Research Foundation, he oversees a diverse set of projects and programs. These programs include the Economic Development Finance Service (EDFS), a subscription-based service providing information, training and networking opportunities for small business development finance professionals; the Rural Brownfields Awareness Project (EPA funded); the Rural Transportation Capacity Building Project (FHWA funded); a new initiative with EPA to promote regional approaches to environmental stewardship and economic development; and a new national center for regional transportation and economic development.

He holds a bachelor's degree from Hartwick College in Upstate New York and a master's degree in political management from The George Washington University in Washington, DC. He is a native of the Glens Falls/Lake George region in the foothills of the Adirondacks in Upstate New York. He is a founding member of the National Rural Network, a coalition of more than 50 national associations interested in rural policy, and serves as NADO's liaison to the Congressional Rural Caucus. He has been a member of the American Society of Association Executives and the American League of Lobbyists. He has also served on the Alumni Steering Committee for the Graduate School of Political Management.

Debbie Goldman is Telecommunications Policy Director and Research Economist at the CWA, where she directs the union's "Speed Matters" campaign, promoting affordable high-speed Internet for all Americans. Ms. **Goldman** has worked for the past 16 years at CWA, with responsibility for regulatory affairs, telecommunications policy, as well as providing support to the union's **collective bargaining** and organizing program.

Raquel Noriega is Director of Strategic Partnerships at Connected Nation. She serves as the liaison between Connected Nation and its domestic and international partners. In addition to managing existing partner relationships, she identifies potential new partners and innovative business opportunities in line with Connected Nation's mission. She also supports the development and communication of public policy that furthers the mission of Connected Nation.

Prior to joining Connected Nation, Raquel was an economic consultant in Washington, DC, Madrid, Spain, and London, UK. She provided consulting services to telecommunications and media firms in the USA, Europe and Latin America, supporting advocacy efforts in legislative, regulatory and antitrust proceedings relating to telecommunications and broadband policy and spectrum license policy. Raquel received her Masters in Arts and Sciences for Economics from Northwestern University. She is a graduate of the University of Michigan in Ann Arbor with a degree economics.

Kenneth Peres, Ph.D. is APT's President and Research Economist for the Communications Workers of America. In relation to telecommunications, he has represented CWA in many proceedings before the New York Public Service Commission and the New Jersey Board of Public Utilities, worked on regulatory legislation, and conducted analyses of service quality performance. He has served as economist for the Northern Cheyenne Tribe, the Montana House Committee on Economic Development and the Montana Alliance for Progressive Policy. Mr. Peres has held teaching positions at the University of Montana, St. John's University, Chief Dull Knife College and the City University of New York. He obtained a Ph.D. in economics from the Graduate Faculty of the New School for Social Research in New York City.

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