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Barbara S. Esbin
Admitted in the District of Columbia

William T. Lake
Chief, Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
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via Email and ECFS

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

Dear Mr. Lake:

Less than two weeks ago, the American Cable Association (“ACA”)¹ raised concerns about its ability to comply with the Commission’s procedural mandates in the above-referenced docket in the accessing, analyzing, and submitting comments in response to the large amount of relevant data submitted in response to the Comcast Information Request² and the NBC Universal Information Request.³ On June 14th, Bloomberg, L.P. (“Bloomberg”) expressed similar concerns in filing a Request for Extension of Time to File Petitions to Deny and Comments.⁴ ACA agrees with Bloomberg insofar as it raises practical concerns about the difficulty of incorporating data and analysis based on the data provided by Comcast Corporation and NBC Universal, Inc. (together with General Electric Company the “Applicants”) in response to the Commission’s Information Requests given the short amount of time between receipt of the data and the current June 21, 2010 Petition to Deny and Comment filing deadline, particularly in the light of the Commission’s expressed request

¹ The ACA had expressed concern about “its ability to comply with that portion of the Commission’s March 18th Public Notice¹ establishing the comment cycle in the above referenced proceeding that requires parties who wish ‘to raise new issues based on new facts or newly discovered facts’ to make such filings within 15 days after such facts are discovered, given the proximity of the filing date for responses to the Information Requests – June 11th – to the filing deadline for Comments/Petitions to Deny on June 21, 2010 and the large amount of data and documentation requested.” (See, *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Ex Parte Letter of American Cable Association, MB Docket No. 10-56 (June 4, 2010) (“ACA June 4 Ex Parte”).

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 Licenses*, Information and Discovery Request for Comcast Corporation, MB Docket No. 10-56 (rel. May 21, 2010) (“Comcast Information Request”).

³ *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Information and Document Request for NBC Universal, Inc. , MB Docket No. 10-56 (rel. May 21, 2010) (“NBC Universal Information Request”).

⁴ *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Request for Extension of Time to File Petitions to Deny and Comments, MB Docket No. 10-56 (June 14, 2010) (“Bloomberg Request”).

that all arguments be made within the formal pleading cycle. The ACA urges the Commission to address this issue in a manner that allows parties sufficient time to access and analyze the large amount of data submitted and incorporate it into their analyses of the potential public interest harms of the proposed transaction.

We reiterate those concerns especially in light of the fact that the Applicants have not produced data and information responding to the Commission's requests in a format that is easily accessible to parties to the license transfer review proceeding, thus hampering their ability, as a logistical matter, to work with the data.⁵ Given these logistical difficulties, the ACA suggests that the Commission clarify the Applicants' obligation to submit data in an accessible format to interested parties to the proceeding. The ACA believes the Commission should deem the term "accessible" to mean, at a minimum, that Applicants must provide the data to eligible parties at their counsels' premises in the exact same format that such data was provided to the Commission.

In sum, the ACA requests that the Commission clarify the language in its March 18th Public Notice concerning the filing date for parties wishing to "raise new issues based on new facts or newly discovered facts" to file "within 15 days after such facts are discovered." The ACA suggests that the Commission grant parties wishing to raise new issues or supplement existing issues raised in their June 21 filings based on new facts or newly discovered facts disclosed in the Applicants' June 11th data submissions an additional 60 days from the date that the Applicants certify to the Commission that the data has been made accessible to all eligible parties of record to file their supplemental comments.

This clarification, based on the practical and logistical difficulties associated with accessing and analyzing vast amounts of data in a short period of time, is consistent with the Commission's desire that all substantive issues regarding the Application be considered in as timely and efficient a manner as possible that is fair to Applicants, interested parties and the Commission itself.

If you have any questions concerning the foregoing, please do not hesitate to contact the undersigned.

Respectfully submitted,



Barbara S. Esbin

cc (via email): William Freedman

⁵ For example, although the Commission's June 3, 2010 revised instructions requested that the Applicants produce electronic records to the FCC in their "native format" – e.g., spreadsheets created in Microsoft Excel should be produced in .xls format), the data submitted to parties to the proceeding has not been produced in its native format, thus hampering ACA's ability to access to analyze its contents. See, e.g., Letter from William T. Lake, Chief, Media Bureau to Bryan N. Tramont, Kenneth E. Slatten, David H. Solomon, Natalie Roisman, Wilkinson Barker Knauer, LLP, *In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licenses*, Ex Parte Letter of American Cable Association, MB Docket No. 10-56 (June 3, 2010) at 2.