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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Via Electronic Filing**

July 29, 2010

**Re: Notice of *Ex Parte* Presentation in MB Docket 10-56, Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees**

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission's rules, Free Press submits this notice regarding an *ex parte* communication in MB Docket 10-56, *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees*.

On July 28, 2010, Andrew Jay Schwartzman of Media Access Project, Mark Cooper of Consumer Federation of America, and Corie Wright and Austin Bonner of Free Press met with the following FCC staff members: Jessica Almond, Jim Bird, Neil Dellar, John Flynn, Virginia Metallo, Joel Rabinovitz and Jennifer Tatel.

In the meeting, public interest groups presented their concerns with the proposed acquisition of NBC-Universal by Comcast Corp. The groups emphasized the proposed transaction's adverse impact on competition in the MVPD, independent programming, local broadcast, and nascent online video markets. The proposed transaction will increase Comcast's market power in each of these areas, resulting in higher consumer costs, as well as reduced competition, innovation, diversity and consumer choice.

The Commission should consider whether its existing rules are adequate to attend to the competitive harms that are likely to be exacerbated by the proposed transaction. Several parties in the merger proceeding have highlighted the inability of current regulatory provisions to protect against anticompetitive behavior in the traditional and online video markets. Accordingly, to fully understand the potential impact of the merger on the marketplace, the Commission should take account of its rules and enforcement mechanisms (or lack thereof), including those related to program access, carriage, and net neutrality.

The groups also expressed skepticism that conditions can cure all of the harms resulting from the merger. Merger conditions are only effective to the extent that they (1) remedy the anticompetitive harms resulting from the consolidation of the Comcast and NBCU, and (2) are enforced. To wit, NBCU has failed to comply with an eight year old FCC order requiring NBCU to divest an additional broadcast station which it acquired as part of its merger with Telemundo in 2002. To the extent that this conduct is indicative of Applicants' compliance with any conditions that might stem from the instant merger proceeding, it bodes ill.

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Finally, the groups stressed that the Communications Act requires the merger applicants to demonstrate that the proposed transaction, on balance, will serve the public interest goals of competition, diversity and localism. Moreover, applicants must demonstrate that the merger would *enhance* public interest goals, and not merely preserve the *status quo*. Because applicants have not shown that the proposed transaction meets the requisite public interest standard mandated by the Communications Act, the transaction should not be approved by the Commission.

In accordance with the Commission's rules, this *ex parte* notice is being filed electronically in the above referenced docket. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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