

June 25, 2010

VIA E-MAIL AND ELECTRONIC FILING

William T. Lake
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Applications of Comcast Corporation, General Electric Company, and NBC Universal, Inc.*, MB Docket No. 10-56

Dear Mr. Lake:

In its comments in this proceeding, DIRECTV cited certain data from an economic analysis it had filed in 2007 as part of the Liberty Media–DIRECTV transaction (the “Klein Report”).¹ In that transaction, the Commission granted significant portions of the Klein Report protection as “Highly Confidential Information,” and only a redacted version of the report is available in the public record. As a result, DIRECTV has received a request that an unredacted copy of the entire report be submitted for the record in this proceeding. Before doing so, however, DIRECTV respectfully requests authority to designate certain additional sensitive data in that the Klein Report as Highly Confidential Information subject to the *Second Protective Order*.²

As you may recall, DIRECTV has already sought and obtained permission in this proceeding to treat certain types of information in the Klein Report as Highly Confidential Information. In conjunction with its comments, DIRECTV requested permission to designate the data it was citing as “Highly Confidential Information” subject to the *Second Protective Order*, and the Commission granted that request.³ However, the report contains categories of highly sensitive business information that were not cited in DIRECTV’s comments and which arguably were not fully described in its prior request for protection. Accordingly, in an abundance of caution, DIRECTV seeks permission to designate as “Highly Confidential Information” all

¹ Klein, Benjamin; Lerner, Andres; and Dacey, Emmett, “An Economic Analysis of DIRECTV Providing Local-Into-Local Service via Satellite in All 210 DMAs,” *attached to* Letter from William M. Wiltshire to Marlene H. Dortch, MB Docket No. 07-18 (filed Aug. 23, 2007).

² *Comcast Corporation, General Electric Company and NBC Universal, Inc.*, Second Protective Order, 25 FCC Rcd. 2140 (MB 2010) (“*Second Protective Order*”).

³ *See* Letter from William T. Lake to William M. Wiltshire, DA 10-1149 (June 24, 2010).

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portions of the Klein Report that were afforded such status in the Liberty Media–DIRECTV transaction, as more fully described below.

The data at issue constitutes some of DIRECTV’s most sensitive business information. It includes detailed financial information, such as:

- subscriber acquisition costs varying across different customer profiles;
- costs to construct and maintain local collection facilities across different market profiles;
- wholesale pricing of hardware; and
- DIRECTV’s cost of capital.

The data also includes granular information at the Designated Market Area (“DMA”) level, such as:

- the number and type of active set-top boxes;
- the number of subscribers with HD service;
- technology conversion costs;
- the percentage by which subscribership grew as a result of DIRECTV’s implementation of local-into-local service;
- average revenue, costs, and margin per subscriber;
- average monthly gross customer-addition rates over various time periods;
- average monthly customer-disconnect rates over various time periods; and
- estimates of the percentage of customers that DIRECTV would lose if it no longer offered local-into-local service.

Granting Highly Confidential protection to this data would be consistent with the protections the Commission has already granted in the *Second Protective Order*. There, it granted Highly Confidential status to Comcast’s “[d]etailed [f]inancial [d]ata” and “[d]etailed [c]ustomer [d]ata,” including cost and revenue data, churn data and other information that could allow competitors to “discern trends over time.”⁴ The data at issue here similarly relates to costs and revenues and would allow competitors to discern meaningful trends over time, and therefore merit protection.

DIRECTV represents that it keeps these data confidential, that the data at issue are not available from public sources, and that the data would, if released to competitors, allow those competitors to gain a significant advantage in the marketplace. Accordingly, the data should be granted protection as Highly Confidential Information, as it was afforded when previously submitted.

⁴ *Second Protective Order*, ¶ 6.

WILTSHIRE & GRANNIS LLP

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Should you have any questions about this request, please do not hesitate to contact me.

Respectfully submitted,

/s/

William M. Wiltshire
Counsel for DIRECTV