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## **BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: MB Docket No. 10-56  
***EX PARTE***

Dear Ms. Dortch:

We are writing to address briefly certain developments reflected in *ex parte* filings made in the Comcast/NBCU docket, MB Docket No. 10-56, since June 16, 2010. These issues have arisen since Mark Cuban, Chairman and President of HDNet, LLC (“HDNet”), visited the Commission on that date. We filed an *ex parte* on June 17, 2010 that reflected the portion of Mr. Cuban’s discussions during his visit that related to the Comcast/NBCU merger. HDNet LLC is the owner and programmer of two truly independent networks, HDNet and HDNet Movies. These networks are not affiliated with any multichannel video programming distributor (“MVPD”), nor are they owned by a corporation that bundles together many channels for carriage.

As we noted previously, in our prior meetings and in our June 17, 2010 *ex parte*, HDNet has had a very positive experience with Comcast. In the year before this transaction was proposed, Comcast began to provide carriage to HDNet in several markets and has continued to expand its carriage of HDNet into new markets. HDNet was also pleased to see that Comcast originally committed, in connection with its pending transaction, to add carriage of more independent networks to its markets. As the FCC’s review of the merger has continued into what now seems like the final stage, HDNet has observed that this Comcast commitment has been successfully fleshed out with various groups and the Commission.

In HDNet’s own experience, and consistent with what HDNet has seen in this proceeding, Comcast has shown itself to be a strong supporter of independent networks. We note that Comcast has been far more open to and supportive of independent networks than most of the other large, long-established, wired cable MVPD carriers. Notwithstanding that HDNet is an independent network with higher ratings than many networks carried by some other cable MVPDs,

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substantial carriage has not followed as it has with Comcast. HDNet urges the Commission to challenge other cable MVPDs to follow Comcast, and make and execute commitments to add carriage of truly independent networks in numbers that are at least equal to those committed to by Comcast in this proceeding.

The second issue that we want to mention is the ongoing dialogue we have seen regarding networks, programming and the Internet. As an independent programmer, HDNet finds many benefits associated with services such as Xfinity. Costs and arrangements that would be very difficult for an independent programmer to manage are handled instead by a big distributor like Comcast. For instance, on the Internet, programming is distributed by streaming to each viewer individually. This means that the cost to the programmer increases with each individual that wishes to view the individual programmer's content. Therefore, the distributor assumes a difficult-to-predict and very substantial cost, which could be prohibitive if required to be borne by an independent network. Similarly, for independent networks like HDNet, partners like Comcast enable authenticated Internet access to our programming.

HDNet continues to believe that the future of television is primarily television. Television is a distribution medium that is optimized for the purposes for which it is used, and doesn't face the capacity constraints and potential congestion of modern broadband. Television permits high-quality content to be distributed to potentially millions of viewers with a single "broadcast." For this reason, HDNet emphasizes the importance of maintaining a place for independent voices on television, and would like to see other cable companies meet or surpass Comcast's commendable leadership and initiative.

Respectfully submitted,

*/s/ David S. Turetsky*

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cc: Chairman Julius Genachowski  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Attwell Baker