

VIA ELECTRONIC FILING

April 5, 2011

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

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 Licensees*, MB Docket No. 10-56, Request for Enhanced Confidential Treatment

Dear Mr. Lake:

Comcast Corporation (“Comcast”) and NBCUniversal Media, LLC (“NBCUniversal”), pursuant to Section 1.41 of the Commission’s rules¹ and the *Second Protective Order for Compliance* in the above-referenced proceeding,² submit this letter to request enhanced confidential treatment for a document that will be filed in conjunction with Comcast’s and NBCUniversal’s reporting obligations under the Memorandum Opinion and Order issued in this proceeding.³

The document to be filed is the current Limited Liability Company Agreement of Hulu, LLC (the “Hulu LLC Agreement”). This document is entitled to enhanced confidential treatment because of its commercial sensitivity and the competitive harm that would result from its public disclosure. The Hulu LLC Agreement falls squarely within the category of information to which the Commission has already afforded Highly Confidential treatment in the *Second Protective Order for Compliance*. That category, labeled “Internal Hulu Governance,” covers “non-public

¹ 47 C.F.R. § 1.41.

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 for Compliance, MB Docket No. 10-56, DA 11-341, ¶ 3 (MB rel. Feb. 22, 2011) (“*Second Protective Order for Compliance*”).

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 Licensees*, Memorandum Opinion and Order, MB Docket No. 10-56, FCC 11-4 (rel. Jan. 20, 2011).

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and highly sensitive details about the ownership and control structure of Hulu, which would harm not only NBCUniversal but also Hulu and its non-NBCU owners, who are not parties to this proceeding.”⁴ The Hulu LLC Agreement contains just such highly sensitive information about the inner workings of Hulu’s management. Access to this information would give competitors of Hulu, as well as competitors of Comcast and NBCUniversal, and other parties with whom Hulu, Comcast, and NBCUniversal do business, an unfair advantage in the marketplace. For instance, the information in the Hulu LLC Agreement would give third parties a detailed understanding of Hulu’s decisionmaking process which could, in turn, allow them to make informed judgments about how Hulu might react in future negotiations or to predict Hulu’s future strategic decisionmaking. In short, the Hulu LLC Agreement contains “highly sensitive details about the ownership and control structure of Hulu,” and is, therefore, entitled to Highly Confidential treatment.

In addition, the Hulu LLC Agreement, executed by all of Hulu’s owners, mandates that Hulu’s owners maintain strict confidentiality about the “operations of [Hulu].” When disclosure is required to a federal agency, Hulu’s owners are obligated by contract to “limit the scope of disclosure” and to “disclose[] to the minimum extent necessary.” This further demonstrates the importance that Hulu and its owners attach to the management and control provisions in the Hulu LLC Agreement and underscores the need for Highly Confidential treatment.

Accordingly, Comcast and NBCUniversal request that the Commission confirm that the Hulu LLC Agreement may be designated as “Highly Confidential Information” under the *Second Protective Order for Compliance* and thereby made available solely to Outside Counsel of Record and *bona fide* Outside Consultants and experts who have signed the *Second Protective Order for Compliance*.⁵

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

Respectfully submitted,

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cc: Neil Dellar

⁴ *Second Protective Order for Compliance* ¶ 6.

⁵ *Second Protective Order for Compliance* ¶¶ 3, 5.