



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1446

Released: October 3, 2014

COMMISSION ANNOUNCES EXTENSION OF TIME TO FILE REPLIES TO RESPONSES AND OPPOSITIONS FOR ITS REVIEW OF APPLICATIONS OF COMCAST CORPORATION, TIME WARNER CABLE INC., CHARTER COMMUNICATIONS, INC., AND SPINCO TO ASSIGN AND TRANSFER CONTROL OF FCC LICENSES AND OTHER AUTHORIZATIONS

MB Docket No. 14-57

Replies to Responses/Oppositions Due: October 29, 2014

On July 10, 2010, the Commission released a Public Notice seeking comment on the applications of Comcast Corporation, Time Warner Cable Inc., Charter Communications, Inc., and Spinco (collectively, the Applicants) to assign and transfer control of FCC licenses and other authorizations.¹ While the deadlines the Commission established for Comments/Petitions and Responses to Comments/Oppositions to Petitions have already passed, the Commission also established October 8, 2014, as the deadline for filing Replies to Responses and Oppositions. For the reasons stated below, we extend the deadline for filing Replies to Responses and Oppositions to October 29, 2014.

On September 22, 2014, DISH Network Corporation (DISH) filed a Motion for Extension of Time to File Replies (Motion) on the grounds that Comcast had not fully responded to the Commission's Request for Information and Data. Commission staff sent each Applicant an Information and Data Request on August 21, 2014, seeking responses to the requests by September 11, 2014.² Subsequently, on September 27, 2014, Applicants filed a Joint Opposition to the Motion.³

¹ *Commission Seeks Comment on Applications of Comcast Corporation, Time Warner Cable Inc., Charter Communications, Inc., and Spinco to Assign and Transfer Control of FCC Licenses and Other Authorizations*, Public Notice, MB Docket No. 14-57, DA 14-986 (rel. July 10, 2014).

² *See* Letter from William T. Lake, Chief, Media Bureau, Federal Communications Commission, to Kathryn A. Zachem, Senior Vice President, Comcast Corp., Letter from William T. Lake, Chief, Media Bureau, Federal Communications Commission, to Steven Teplitz, Senior Vice President, Time Warner Cable Inc., Letter from William T. Lake, Chief, Media Bureau, Federal Communications Commission, to Catherine Bohigian, Executive Vice President, Charter Communications, Inc., MB Docket No. 14-57 (Aug. 21, 2014).

³ *See* Joint Opposition to Motion for Extension of Time to File Replies (Joint Opposition), MB Docket No. 14-57 (Sept. 22, 2014).

On September 23, 2014, the Applicants filed a substantial and lengthy Opposition with the Commission. The Opposition is voluminous, numbering nearly 850 pages. Furthermore, the Opposition contains new information not part of the initial application; specifically, an economic declaration including an empirical analysis investigating the question of Comcast's discrimination against non-affiliated programming. This analysis represents a relatively substantial body of new material that perhaps could have been presented in the initial application. It refutes a Commission analysis performed in the Comcast/NBCU merger and explicitly articulated in the Appendix to the Commission's Order in that proceeding.⁴ As such, the analysis presented is critical to the review of the proposed transactions and additional time is needed to evaluate it.

In addition, with respect to the Information and Data Requests, the Applicants provided some narrative responses to the Commission's Information and Data Requests on the due date of September 11, 2014, and additional materials on a rolling basis between that date and September 25, 2014.⁵ While the Commission's review of Applicants' submissions in response to its Information and Data Requests is ongoing,⁶ it has nonetheless determined that Applicants' submissions to date did not fully respond to its Information and Data Requests as of the September 11, 2014 due date and that certain materials remain outstanding.⁷

Therefore, in order to permit commenters to submit well considered Replies to Responses and Oppositions, we grant the DISH Motion, and extend the deadline for filing until October 29, 2014. The Commission will make any necessary determination as to whether the Commission's self-imposed 180-day shot clock for reviewing transactions should be stopped separately from this notice. Because the original deadline for filing Replies to Responses and Oppositions is fast approaching, however, we provide this Public Notice to alert interested parties of the additional time for their filings.

Further Information. For further information, contact Julie Saulnier, (202) 418-1598 of the Media Bureau. Press inquiries should be directed to Janice Wise, (202) 418-8165, of the Media Bureau. TTY: (202) 418-2555 or (888) 835-5322.

⁴ See *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses and Transfer Control of Licensees*, Memorandum Opinion and Order, MB Docket No. 10-57, 26 FCC Rcd 4238, 4394-4397 (2011).

⁵ See Third Supplemental Response Of Time Warner Cable Inc. to the Information and Data Request Issued to Time Warner Cable Inc. on August 21, 2014 by the Federal Communications Commission, MB Docket No. 14-57 (Sept. 25, 2014). The Commission deferred document production pending resolution of certain confidentiality issues.

⁶ As the Joint Opposition states, Applicants filed an initial response by the Commission's deadline of September 11, 2014, but subsequently supplemented the initial response with several additional filings. Joint Opposition at 2-3, citing Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 11, 2014); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 24, 2014) (submitting revised exhibits); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 19, 2014) (submitting supplemental responses and exhibits); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 18, 2014) (submitting backup data); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 17, 2014) (submitting additional documents); Letter from Kathryn A. Zachem, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 14-57 (Sept. 15, 2014) (submitting supplemental exhibits).

⁷The Applicants' responses to the following numbered requests in the Information and Data Request are incomplete or are otherwise nonresponsive: Comcast -- Requests 2(h), 12, 13, 15, 19, 51, 52, 59, 68, 75, 80, 84(a), 86, 88(b), and 89; Time Warner Cable -- Requests 3, 12, 13, 15, 36, 38, 49, 59, 60 and 62; Charter -- Requests 9, 10, 12, and 32.

-FCC-