



Federal Communications Commission
Washington, D.C. 20554

October 16, 2003

REDACTED – FOR PUBLIC INSPECTION

Via Facsimile

Gary M. Epstein
Counsel for General Motors Corporation and
Hughes Electronics Corporation
Latham & Watkins LLP
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Washington, DC 20006

William M. Wiltshire
Counsel for The News Corporation Limited
Harris, Wiltshire & Grannis LLP
1200 18th Street, N.W.
Washington, DC 20036

**Re: Consolidated Application for Authority to Transfer Control
MB Docket No. 03-124**

Dear Mr. Epstein and Mr. Wiltshire:

In order for the Commission to review the application of General Motors Corporation, Hughes Electronics Corporation and The News Corporation to transfer control of various Commission licenses and authorizations and make the necessary public interest findings under section 310(d) of the Communications Act,¹ we require additional information and clarification of certain matters discussed in the application.

Accordingly, pursuant to section 308(b) of the Act,² we request that you provide written responses and supporting documentation for the questions set forth in the attached Second Information and Document Request. We also seek copies of those documents we have specifically identified on the attached list, which will be redacted from the public copy of this letter. We would appreciate receiving your response to each inquiry no later than October 29, 2003.

¹ *Id.* § 310(d).

² *Id.* § 308(b); *see also* 47 C.F.R. § 1.65.

Your responses should be filed with Marlene H. Dortch, Secretary, FCC, under reference number MB Docket No. 03-124. In addition, the Public Notice³ and the Protective Orders⁴ require the submission of multiple copies of all *Ex Parte* and other filings submitted in this proceeding. The Media Bureau also should receive, at a minimum, two copies of all paper filings, including both documents marked “Confidential” or “Highly Confidential” and documents marked “For Public Inspection.”⁵ These copies are intended for, respectively, Marcia Glauber and Linda Senecal. For any electronic filings made using the Commission’s Electronic Comment Filing System (“ECFS”), parties also should serve the documents via e-mail to Marcia Glauber, Marcia.Glauber@fcc.gov and to Linda Senecal, Linda.Senecal@fcc.gov.

If you have any questions regarding this matter, please contact Marcia Glauber, Media Bureau, at 202-418-7046.

Sincerely,

W. Kenneth Ferree
Chief, Media Bureau

Attachments

³ See *General Motors Corporation, Hughes Electronics Corporation, and The News Corporation Limited Seek Approval To Transfer Control of FCC Authorizations and Licenses Held by Hughes Electronics Corporation to The News Corporation Limited*, MB Docket 03-124, Public Notice DA 03-1725 (rel. May 16, 2003) (“Public Notice”).

⁴ See *News Corporation, General Motors Corporation, and Hughes Electronics Corporation, Order Adopting Protective Order*, MB Docket No 03-124, DA 03-1761 (rel. May 22, 2003) (“Protective Order”); *Order*, MB Docket No. 03-124, DA 03-2376 (rel. July 21, 2003) (“Second Protective Order”).

⁵ See Public Notice, pp. 4-5; Protective Order ¶ 3; Second Protective Order ¶ 4.

**SECOND INFORMATION AND DOCUMENT REQUEST
OCTOBER 16, 2003**

1. Identify for each ZIP code in which Hughes provides MVPD service for each *month* from January 1999 to December 2000:

- a. overall subscribers,
- b. gross additions to subscribers during the month,
- c. gross losses of subscribers during the month,
- d. whether customers are served by NRTC or Hughes.

2. Provide information regarding all promotional prices, coupons, vouchers, and all other forms of discounts offered by Hughes for MVPD equipment, installation, or service in association or coordination with Disney between January 1, 2000 and June 30, 2000. For each promotion, specify:

- a. terms of the promotion,
- b. effective dates of the promotion,
- c. specific eligibility requirements, including, but not limited to, geographic restrictions, previous or current service by Hughes competitors, minimum purchases, and minimum subscription periods,
- d. number of customers activated under the promotion,
- e. payments received from Disney in support of the promotion,
- f. payments made to Disney in support of the promotion,
- g. payments made to other third parties, such as retailers and installation contractors in support of the promotion.

3. Provide a copy of the current network affiliation agreement, including all schedules, exhibits, and attachments referred to in the agreement, between News Corporation and the licensees, or assignees, of the following broadcast television stations:

<u>Call Sign</u>	<u>Nielsen Designated Market Area</u>
KTVU	San Francisco-Oakland-San Jose, CA
WXMI	Grand Rapids-Kalamazoo-Battle Creek, MI
WAWS	Jacksonville, FL
KDSM-TV	Des Moines-Ames, IA
WFFF	Burlington, VT-Plattsburgh, NY
KVRR	Fargo-Valley City, ND
KQDS	Duluth, MN-Superior, WI
WFXP	Erie, PA
KTBY	Anchorage, AK
KFQX	Grand Junction-Montrose, CO

Note: To the extent available, all responses to question 1 should be provided in electronic form.

Definitions

For purposes of responding to these requests,

1. The term “Hughes” means Hughes Electronics Corporation, its subsidiaries and any affiliate in which it or a subsidiary owns a 10% or greater interest.
2. The term “Disney” means The Walt Disney Company, its subsidiaries and any affiliate in which it or a subsidiary owns a 10% or greater interest.
3. The phrase “News Corporation” means The News Corporation Limited, its subsidiaries and any affiliate in which it or a subsidiary owns a 10% or greater interest, together with any entity in which Mr. K. Rupert Murdoch or members of his immediate family own a *de jure* or *de facto* controlling interest.

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