



The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

April 7, 2010

Dear Chairman Genachowski:

The undersigned organizations are disappointed with the Media Bureau's recent Order denying Media Access Project's request to extend the filing period for comments and petitions in the Commission's proceeding on the proposed Comcast acquisition of NBC-Universal ("NBCU"; together, "Applicants").¹ An extension, which was supported by a number of public interest groups and other organizations, would have assisted the Commission by allowing participants to better supply the FCC with the data and analysis it needs to conduct a thorough review of one of the largest and most consequential transactions in media merger history.

In light of the aggressive timeline initially established for this review, we are also concerned that the Commission has not yet released a schedule of dates for public hearings on the acquisition. The Media Bureau recently released an Order denying a petition by the Mabuhay Alliance which requested that the Commission halt the merger proceedings until it holds widespread public hearings.² We presume that in denying the petition the Commission did not intend to preclude holding merger hearings altogether. While the FCC may be reluctant, per Mabuhay's request, to completely stall the pleadings cycle, it is essential that the Commission conduct field hearings on the merger in the course of its review.

This is the first major media merger the current FCC membership will review. As a result, the review of this transaction will set the tone for similar proceedings in the future. Ultimately, the impact of a deal between Comcast and NBCU will be felt by consumers at the local level. It is imperative that the public be given open *fora* to have conversations with the Commission about how this merger will affect local communities.

Comcast and NBCU appear to oppose scheduling public hearings during the Commission's review of their proposed transaction. In response to the Mabuhay Alliance petition, Applicants argue that "public hearings at *any* stage of a transaction review are exceedingly rare," and that "a

¹ *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*, Media Bureau Order Denying Extension Request of Media Access Project, MB Docket No. 10-56 (rel. Mar. 26, 2010).

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*, Media Bureau Order Denying Mabuhay Alliance Petition, MB Docket No. 10-56 (rel. April 5, 2010). See also Mabuhay Alliance, *Petition Opposing Comcast Acquisition of NBC Universal on Behalf of Asian Americans and Request To Stop Merger Proceedings Until There Are Widespread Public Hearings*, MB Docket No. 10-56 (Mar. 23, 2010).

public hearing in a transaction review proceeding has occurred only in the AOL/Time Warner (7/27/00), AT&T/Media One (2/4/00), and MCI WorldCom/Sprint (4/5/00) proceedings – all roughly ten years ago.”³ Applicants’ assertion is not entirely accurate. In addition to the three transactions they list, the Commission also held multiple hearings concerning mergers between SBC/Ameritech, Bell Atlantic/GTE, and AT&T/Tele-Communications Inc.⁴ Of course Applicants are correct in asserting that these hearings took place over ten years ago. But the fact that merger-specific public hearings have not been held by the last two chairmen of the Commission merely reflects the prior administration’s approach to merger review. It is not a reason for this Commission to forestall public hearings on this merger.

By the standards of the current FCC, public hearings are entirely appropriate. This Commission has repeatedly expressed its commitment to greater transparency and public outreach. Indeed, in a number of other important proceedings the FCC has scheduled and held multiple field hearings.⁵ We expect this same commitment to apply to the Commission’s review of specific transactions – particularly those with as far-reaching implications for consumers and the public as presented in the Comcast-NBCU merger.

The Commission’s review of the Comcast-NBCU merger deserves significant deliberation and opportunity for public participation. Accordingly, we encourage the Commission to expeditiously prepare a plan for multiple hearings and to provide the public with sufficient notice, time, and opportunity to participate. We look forward to working with Commissioners and the Media Bureau to suggest formats and venues that would maximize public participation at such hearings.

Respectfully submitted,



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On behalf of:
Consumer Federation of America
Consumers Union
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Media Access Project

³ Comcast Corp., General Electric, NBC Universal Inc., *Joint Opposition to Request to Stop Merger Proceedings*, MB Docket No. 10-56 (Mar. 25, 2010) at 1-2.

⁴ See Public Notice I, “Commission To Hold En Bancs Regarding Telecom Mergers” (Oct. 22, 1998), available at http://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da982045.html, Public Notice II, “Commission To Hold En Bancs Regarding Telecom Mergers,” (Dec. 2, 1998), available at http://www.fcc.gov/Bureaus/Common_Carrier/Public_Notices/1998/da982415.html.

⁵ These proceedings include the national broadband plan (GN Docket No 09-51), the future of media (GN Docket No 10-25), media ownership (MB Docket No. 09-182)09, and preserving the open internet and review broadband industry practices (GN Docket No. 09-191, WC Docket No. 07-52).