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March 1, 2002

HAND DELIVERY

William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20541

**Re: Ex Parte Presentation: Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, CS Docket No. 01-129**

Dear Mr. Caton:

On January 14, 2002, the Commission issued its "Eighth Annual Report" ("Report") on the status of competition in the market for the delivery of video programming. On behalf of our client, Comcast Corporation ("Comcast"), I want to correct the record on two small but important points.

First, Paragraph 114 of the Report summarizes "barriers to competition" allegedly encountered by competing broadband service providers. This paragraph says that "RCN reports that it still is unable to gain access to programming due to migration to terrestrial delivery. In particular, RCN states that it cannot access local sports programming in the . . . Philadelphia market[] [footnote omitted]." This is inaccurate, both as a matter of fact and as a characterization of the record.

In fairness, the Report ought not to have summarized RCN's allegation without reporting Comcast's assurance that it *does* make Comcast SportsNet ("CSN") available to RCN. Reply Comments of Comcast Corporation, CS Docket No. 01-129, at 19-20 & n.24 (Sep.5, 2001) ("Comcast Reply"). More importantly, as a factual matter, RCN has *never* been without access to CSN and has always been offered that programming under the same terms and conditions under which that programming is made available to other entities, including Comcast's own cable systems.

Indeed, RCN did not even make the allegation portrayed in the Report. RCN's allegation was not that it has been denied access to CSN but that it was not offered a long-term contract. Initial Comments of RCN Corporation, CS Docket No. 01-129, at 11-12 (Aug. 3, 2001) ("RCN Comments"). Comcast responded fully to that accusation in its Reply Comments:

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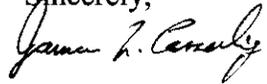
“RCN complains (at 11-12) about the duration of the contracts but neglects to acknowledge that last year CSN gave all of its affiliates – including Comcast cable systems as well as RCN and the other affiliates mentioned above – agreements with the *same* short duration while significant business restructuring opportunities were reviewed. As RCN has been advised, CSN planned to resume offering standard multi-year agreements once that business restructuring process was completed. In fact, that review has now been completed, and RCN and other affiliates have been apprised of the price and term for a new five-year contract, commencing in October.” Comcast Reply, at 19-20 n.24.

RCN has elected to continue negotiating the terms of that five-year agreement. In the meantime, RCN has continued to carry CSN without interruption.

A second matter as to which Comcast wishes to correct the record relates to Paragraph 201 of the Report, which erroneously characterizes an RCN claim regarding the effect of its entry on a planned price increase for the Washington, DC cable system in 1998. Contrary to the text of the Report, RCN did not allege that Comcast was the incumbent cable operator at the time. *See* RCN Comments, Appendix A, at 2. In fact, Comcast did not acquire the Washington, DC cable system until 2001.

Our understanding is that Commission does not make it a practice to issue “errata” for errors in the video competition reports, and Comcast does not ask that the Commission alter that practice. But it is important that the public record accurately reflect these matters, which is the reason for this letter.

Pursuant to section 1.1206(b)(1) of the Commission’s rules, an original and one copy of this letter are being filed with the Office of the Secretary. Copies of this letter are also being sent to various officials of the Cable Services Bureau, as shown below.

Sincerely,  
  
James L. Casserly

cc: William H. Johnson  
Marcia Glauberman  
Ann Levine  
Steve Broechaert  
Karen A. Kosar