

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
Case # 12-1337  
AUG -1 2012  
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UNITED STATES COURT OF APPEALS  
FOR DISTRICT OF COLUMBIA CIRCUIT  
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IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

COMCAST CABLE COMMUNICATIONS, LLC,

Petitioner,

v.

FEDERAL COMMUNICATIONS COMMISSION  
and UNITED STATES OF AMERICA,

Respondents.

Case No. 12-1337

**PETITION FOR REVIEW**

Pursuant to 5 U.S.C. § 706, 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342(1) and 2344, and Federal Rule of Appellate Procedure 15(a), Comcast Cable Communications, LLC (“Comcast”) hereby petitions this Court for review of the order of the Federal Communications Commission (“FCC”) captioned *Tennis Channel, Inc. v. Comcast Cable Commc’ns, LLC*, Memorandum Opinion and Order, MB Docket No. 10-204, File No. CSR-8258-P, FCC 12-78 (July 24, 2012) (“Order”). Because the FCC’s Order contains confidential information subject to a protective order, the FCC issued both a redacted and an unredacted version of its Order. Comcast is attaching the redacted version of the Order as Exhibit A to this petition, and is concurrently filing the unredacted version of the Order under seal.

Venue is proper in this Court pursuant to 28 U.S.C. § 2343.

This action arises from an administrative complaint filed by Tennis Channel, Inc. against Comcast alleging violations of Section 616 of the Communications Act of 1934, 47 U.S.C. § 536, and rules promulgated by the FCC pursuant to that statute. Order ¶ 1. In its Order, the FCC concludes that Comcast violated those statutory and regulatory provisions. *Id.* ¶¶ 2-3. The Order requires Comcast to increase substantially its distribution of Tennis Channel, such that Tennis Channel will reach an equal number of Comcast's subscribers as two of Comcast's affiliated networks, Golf Channel and Versus (now NBC Sports Network). *Id.* ¶ 112. The FCC also orders Comcast to pay hundreds of thousands of dollars to the U.S. Treasury and what may amount to hundreds of millions of additional dollars to Tennis Channel. *Id.* ¶¶ 90, 92, 111.

Comcast seeks review of the Order on the grounds that it is arbitrary, capricious, and an abuse of discretion within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*; is contrary to constitutional rights under the First and Fifth Amendments of the United States Constitution; violates the Communications Act of 1934, as amended, and FCC regulations promulgated thereunder; and is otherwise contrary to law.

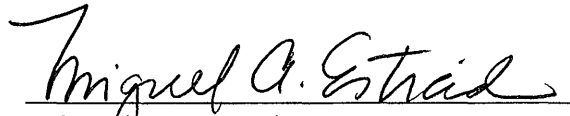
Accordingly, Comcast respectfully requests that this Court hold unlawful, vacate, enjoin, and set aside the Order, and that it provide such additional relief as may be appropriate.

Dated: August 1, 2012

Respectfully submitted,

Lynn R. Charytan  
*Vice President, Legal Regulatory  
Affairs, and Senior Deputy General  
Counsel*

COMCAST CORPORATION  
300 New Jersey Avenue, Suite 700  
Washington, D.C. 20001  
(202) 379-7134



Miguel A. Estrada  
*Counsel of Record*  
Cynthia E. Richman  
Erik R. Zimmerman

Jonathan C. Bond  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 955-8500

*Counsel for Petitioner Comcast Cable Communications, LLC*

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and this Court's Rule 26.1, Comcast Cable Communications, LLC respectfully submits the following corporate disclosure statement.

Comcast Cable Communications, LLC, which provides cable and related services, is a Delaware limited liability company wholly owned by Comcast Holdings Corporation, a Pennsylvania corporation and wholly owned subsidiary of Comcast Corporation, a publicly traded Pennsylvania corporation. Comcast Corporation is not a subsidiary of any other corporation, nor does any publicly held corporation own 10% or more of its stock.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2012, I caused one copy of the foregoing  
Petition for Review to be served on the following counsel by the manner indicated:

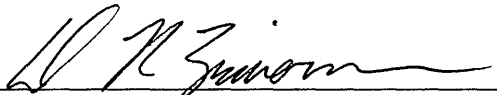
*By First Class Mail and  
Electronic Mail*

Sean Lev  
General Counsel  
Federal Communications  
Commission  
Room 8-A741  
445 12th Street, S.W.  
Washington, D.C. 20554  
[Sean.Lev@fcc.gov](mailto:Sean.Lev@fcc.gov)

*By First Class Mail*

Eric H. Holder, Jr.  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Stephen A. Weiswasser  
*Counsel for Tennis Channel, Inc.*  
Covington & Burling LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2401  
[sweiswasser@cov.com](mailto:sweiswasser@cov.com)

  
Erik R. Zimmerman  
*Application for Admission Pending*  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036