



Federal Communications Commission
Washington, D.C. 20554

October 31, 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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Suite 1000
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 Third 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 November 14, 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.



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ATTACHMENT 1

**THIRD INFORMATION AND DOCUMENT REQUEST
OCTOBER 31, 2003**

1. Does News Corporation retain the right to negotiate retransmission consent agreements on behalf of any independently owned broadcast television station affiliated with the Fox Broadcasting Network?
2. Has News Corporation ever negotiated retransmission consent agreements on behalf of an independently owned broadcast television station? If so, provide a copy of each negotiated retransmission consent agreement.
3. Has the News Corporation ever solicited or required independently owned broadcast television stations affiliated with the Fox Broadcasting Network to request or require carriage of News Corporation's non-broadcast programming by a MVPD as compensation for the granting of retransmission consent of the broadcast station to the MVPD? If so, for each instance indicate:
 - a. The broadcast station's call sign and Nielsen DMA
 - b. The MVPD requesting retransmission consent
 - c. The non-broadcast programming that was requested or required as compensation for the granting of retransmission consent
 - d. Any consideration, whether pecuniary or otherwise, News Corporation offered or gave to the broadcast station in return for requesting or requiring carriage of the News Corporation non-broadcast programming by the MVPD.
4. **REDACTED FROM THE PUBLIC RECORD**
5. Hughes's response to interrogatory 2 of the Commission's second information and document request describes a Rapid Response Promotion in effect from May 4, 2000 to May 14, 2000. Identify the number of customers activated under this promotion for each DMA in which the promotion was available.

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 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
3. The term “MVPD” means:
 - a. the local distribution of video programming through terrestrial-based cable transmission facilities by a cable operator or broadband service provider,
 - b. direct broadcast satellite and direct-to-home services that transmit video programming directly from one or more satellites to subscribers,
 - c. The local distribution or provision of video programming through any other means including, but not limited to MMDS, SMATV, OVS, and facilities of common carrier telephone companies or their affiliates.

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