

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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CENTER FOR THE PUBLIC INTEGRITY		)	
910 17 <sup>TH</sup> Street N.W., 7 <sup>th</sup> Floor		)	
Washington, D.C. 20006-2606		)	
	<i>Plaintiff,</i>	)	
		)	Civil Action No. 06-1644 (ESH)
	v.	)	
		)	
FEDERAL COMMUNICATIONS		)	
COMMISSION		)	
445 12 <sup>th</sup> Street, S.W.		)	
Washington, D.C. 20554-0005		)	
	<i>Defendant.</i>	)	
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**UNOPPOSED MOTION OF  
THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION  
FOR LEAVE TO FILE A BRIEF *AMICUS CURIAE***

The National Cable & Telecommunications Association (“NCTA”), by its undersigned counsel, respectfully requests leave to file a brief *amicus curiae* in support of Defendant Federal Communications Commission’s motion for summary judgment. Counsel for both parties have stated that they do not oppose this motion.

In support of this motion, NCTA respectfully submits the accompanying memorandum.

Respectfully submitted,

**/s/ Neal M. Goldberg**

Neal M. Goldberg (D.C. Bar #188847)  
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January 26, 2007

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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CENTER FOR PUBLIC INTEGRITY )  
910 17<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor )  
Washington, D.C. 20006-2606 )  
  *Plaintiff,* )  
  v. )  
FEDERAL COMMUNICATIONS )  
COMMISSION )  
445 12<sup>th</sup> Street, S.W. )  
Washington, D.C. 20554-0005 )  
  *Defendant.* )

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Civil Action No. 06-1644 (ESH)

**MEMORANDUM OF THE NATIONAL CABLE & TELECOMMUNICATIONS  
ASSOCIATION IN SUPPORT OF ITS UNOPPOSED MOTION FOR LEAVE TO FILE  
A BRIEF *AMICUS CURIAE***

The National Cable & Telecommunications Association (NCTA), by its undersigned counsel, respectfully submits this memorandum in support of its unopposed request for entry of an order granting leave to file a brief *amicus curiae* in support of the Federal Communications Commission’s motion for summary judgment.

Pursuant to Local Civil Rule 7(m), counsel for NCTA has discussed this motion with counsel for both parties. Both parties have stated that they do not oppose this motion.

NCTA is the principal trade association for the cable television industry. NCTA represents cable operators serving more than 90 percent of the nation’s cable television households and more than 200 cable program networks. The cable industry is the nation’s largest broadband provider of high-speed Internet access after investing more than \$100 billion over ten years to build a two-way interactive network with fiber optic technology. In addition to

video and Internet services, many cable operators also provide voice services over their networks and some cable operators also are testing the provision of various services using wireless technology.

In complying with the requirement to file Form 477 on a semi-annual basis, NCTA's members provide the FCC with a variety of information regarding their business operations. The information provided on these forms is more detailed and comprehensive than the information routinely made available to the public. As NCTA explains in its brief, this information could be tremendously valuable to the companies with which cable operators compete. The FCC recognized that it was requiring parties to provide competitively sensitive information and it permitted companies to file the forms on a confidential basis. Plaintiff seeks public disclosure of all the confidential information submitted by cable operators in the seven years that the Commission has collected Form 477 data.

NCTA seeks leave to file a brief *amicus curiae* in this case to provide the perspective of the cable industry on these important issues and to highlight the potential harm to its members that would result from public disclosure of the Form 477 data. The Plaintiff's request seeks information filed by NCTA's members with the Commission, and therefore NCTA's members will be directly affected by the outcome of this litigation. Participation by NCTA, rather than each of its members affected by this case, is administratively efficient for the Court and for the other parties to this case.

For all of these reasons, NCTA respectfully requests that the Court enter an order granting NCTA's motion for leave to file a brief *amicus curiae* in support of the FCC's motion for summary judgment.

Respectfully submitted,

**/s/ Neal M. Goldberg**

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