

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: _____

ALTITUDE SPORTS & ENTERTAINMENT, LLC,

Plaintiff,

v.

COMCAST CORPORATION and
COMCAST CABLE COMMUNICATIONS, LLC,

Defendants.

**PLAINTIFF'S COMPLAINT
DEMAND FOR JURY TRIAL**

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1. Plaintiff Altitude Sports & Entertainment, LLC (“Altitude”), by and through its undersigned counsel, brings this action for trebled compensatory damages, punitive damages, and injunctive relief under the antitrust laws of the United States, and for compensatory and punitive damages and injunctive relief under state law, against Defendants Comcast Corporation and Comcast Cable Communications, LLC (together “Comcast”), demanding a trial by jury. For its Complaint against Defendants, Plaintiff alleges the following:

NATURE OF THE CASE

2. Defendant Comcast is the largest multichannel video programming distributor (“MVPD”) in the United States. Comcast is also the dominant cable television provider in the Denver DMA (Designated Market Area).¹ The Denver DMA covers 70 counties in three states: Colorado (48 counties), Nebraska (15 counties), and Wyoming (7 counties). In the Denver DMA, 92% of cable customers have their cable service from Comcast—and the great majority of those customers have *no choice* at all in cable provider; only Comcast cable reaches their neighborhood. Of all MVPD providers in the Denver DMA, Comcast has the largest market share, approximately 57%, with the next largest MVPD provider, DIRECTV, holding a market share of approximately 25%, less than half of Comcast’s market share.

3. In addition to providing cable television to its subscribers, Comcast, through its subsidiaries, also contracts with sports teams, leagues, conferences, and other entities to obtain the rights to produce and telecast sports programming. Comcast then distributes that programming to its own subscribers and to other MVPDs such as, for example, DIRECTV.

¹ According to Nielsen Holdings PLC, “DMA (Designated Market Area) regions are the geographic areas in the United States in which local television viewing is measured by Nielsen. A DMA region is a group of counties that form an exclusive geographic area in which the home market television stations hold a dominance of total hours viewed. There are 210 DMA regions, covering the entire continental United States, Hawaii, and parts of Alaska.”

4. Comcast currently owns and distributes regional and national sports programming through its subsidiaries, including the NBC Sports Network, in geographic areas around the country.

5. Altitude produces and telecasts regional sports programming from its headquarters in Denver. Altitude's business is known as a Regional Sports Network ("RSN"), and its programming is available throughout the ten state Rocky Mountain region that includes Colorado (the "Altitude Territory"). As an RSN, Altitude invests in licensing the rights to telecast games of regional professional sports teams—such as the National Hockey League's Colorado Avalanche, the National Basketball Association's Denver Nuggets, the National Lacrosse League's Colorado Mammoth, and Major League Soccer's Colorado Rapids. Altitude also telecasts local and regional college and high school games, as well as other sports-related content, such as talk shows and sports commentary. Though Altitude's content is primarily focused on sports, it also telecasts other relevant, entertainment-related content, including NASCAR features, poker games, outdoor adventure shows, horseracing, performances by local and regional musicians, and more.

6. The "regional" aspect of an RSN satisfies consumer demand for, and interest in, local and regional athletics, and enhances the quality of programming by focusing on the consumers' home teams. By telecasting local and regional professional, college, and high school sports, Altitude contributes to the Denver community.

7. Altitude is also an independent RSN. Altitude is not a subsidiary or affiliate of a television distribution company (such as Time Warner/AT&T), nor is it owned or operated by one.

8. Comcast has carried the Altitude network for the past 15 years, until August 31,

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