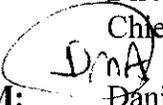




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Media Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *C-SPAN, Discovery Communications, LLC, The Weather Channel, Inc., TV One, A&E Television Networks, and Scripps Networks, Inc. v. FCC & USA*, No. 08-1045. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: February 6, 2008

This is to advise you that, on February 4, 2008, C-SPAN, Discovery Communications, LLC, The Weather Channel, Inc., TV One, A&E Television Networks, and Scripps Networks, Inc. ("Petitioners") filed a joint Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, CS Docket No. 98-120, Third Report and Order and Third Further Notice of Proposed Rulemaking, 22 FCC Rcd 21064 (2007).

Petitioners challenge the above-referenced FCC's order which will require cable systems that do not go all digital to carry in both analog and digital version the signals of their must carry stations for three years after February 17, 2009, subject to review by the Commission in the final year. The practical effect of the order could be to require more bandwidth to be devoted to must carry broadcast carriage than to these popular cable programmers, whose interest in being carried will allegedly be adversely affected by this, and thus believe this is not constitutionally permissible.

The Court has docketed this case as No. 08-1045. The attorney assigned to handle the litigation of this case is C. Grey Pash, Jr.