

DOCKET FILE COPY ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FILED/ACCEPTED

AUG 20 2008

Federal Communications Commission  
Office of the Secretary

\_\_\_\_\_  
In the Matter of )  
 )  
 )  
TIME WARNER APPLICATION )  
FOR CONSENT TO ASSIGNMENT )  
OF LICENSES )  
\_\_\_\_\_ )

MB Docket No. 08-120  
DA 08-1574

TO: Chief, Media Bureau

REPLY OF WEALTHTV  
TO RCN'S PETITION TO CONDITION CONSENT  
OR TO DENY APPLICATION

Kathleen Wallman  
Kathleen Wallman, PLLC  
9332 Ramey Lane  
Great Falls, VA 22066  
202-641-5387  
Counsel to WealthTV

August 15, 2008

No. of Copies rec'd 0  
List ABCDE \_\_\_\_\_

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
TIME WARNER APPLICATION	)	MB Docket No. 08-120
FOR CONSENT TO ASSIGNMENT	)	DA 08-1574
OF LICENSES	)	
	)	

**REPLY OF WEALTHTV  
TO RCN'S PETITION TO CONDITION CONSENT  
OR TO DENY APPLICATION**

WealthTV files this brief reply to RCN's petition to make two points.

First, even after the proposed Separation Transaction is effectuated, the programming contracts that will remain in effect will be the product of the period during which Time Warner Cable was a fully integrated programming vendor and distributor. Moreover, these contracts will have an ongoing impact on the market for video programming because industry precedent instructs that they are highly likely to be renewed from term to term on identical or substantially similar terms as the original contract. Thus, the Commission must treat the separated entities as a unity for the duration of the presently existing contracts for carriage of TWX programming on TWC cable systems and the renewal thereof or for a period of five (5) years, whichever is greater.<sup>1</sup>

---

<sup>1</sup> It is understood that Time Warner Cable will retain interests in certain programming services; there is no question that Section 616 would continue to apply with respect to allegations of discrimination involving those programming services.

Second, the Commission should resolve outstanding carriage access complaints pending against Time Warner, as it recently required resolution of outstanding enforcement issues in the XM-Sirius merger.

Respectfully submitted,

---

August 15, 2008

## CERTIFICATE OF SERVICE

I, Kathleen Wallman, certify that on this 15th day of August, 2008, I caused a true and correct copy of the foregoing WealthTV's Reply to RCN's Petition to Condition Consent or to Deny Application to be served via first-class mail, postage prepaid, upon:

Marc Lawrence-Apfelbaum, Esq.  
General Counsel  
Time Warner Cable Inc.  
One Time Warner Center, North Tower  
New York, NY 10019  
*Counsel to Time Warner Cable Inc.*

Richard Ramlall  
Senior Vice President Strategic  
& External Affairs and Programming  
RCN Corporation  
196 Van Buren Street  
Herndon, VA 20170

Jean L. Kiddoo  
Jeffrey R. Strenkowski  
Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, DC 20006  
*Counsel for RCN Corporation*

Michael G. Jones, Esq.  
Willkie Farr & Gallagher LLP  
1875 K Street, N.W.  
Washington, DC 20006-1238

John R. Wilner  
Bryan Cave LLP  
700 Thirteenth Street N.W.  
Washington, DC 20005-3960

---

Kathleen Wallman