



ARTHUR H. HARDING
(202) 939-7900
AHARDING@FH-LAW.COM

October 21, 2008

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Herring Broadcasting, Inc. d/b/a WealthTV v. Time Warner Cable Inc.
MB Docket No. 08-214
File No. CSR-7709-P**

Dear Ms. Dortch:

On behalf of Time Warner Cable Inc. ("TWC"), enclosed is a revised Page 1 to the pleading filed on October 20, 2008 entitled, "Motion for Modification and Clarification or, in the Alternative, for Certification of Questions" (the "Motion"). TWC respectfully requests that the enclosed Page 1 to that Motion be substituted in its entirety as an erratum to the Page 1 that was filed yesterday.

Should there be any questions regarding this matter, please contact the undersigned directly.

Very truly yours,


Arthur H. Harding
Counsel for Time Warner Cable Inc.

cc: Hon. Richard L. Sippel
Kathleen Wallman, Esq.
Kris Monteith, Esq.

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

Herring Broadcasting Inc., d/b/a WealthTV,)	
)	
Complainant,)	
)	
v.)	MB Docket No. 08-214
)	File No. CSR-7709-P
Time Warner Cable Inc.,)	
)	
Defendant)	

TO: Hon. Richard L. Sippel
Chief Administrative Law Judge

**MOTION FOR MODIFICATION AND CLARIFICATION OR, IN THE
ALTERNATIVE, FOR CERTIFICATION OF QUESTIONS**

Time Warner Cable Inc. (“TWC”), by its attorneys and pursuant to Section 1.229(a) of the Commission’s rules, hereby moves for a modification and clarification of the Hearing Designation Order (“HDO”)¹ adopted by the Media Bureau (“Bureau”) in the above-referenced proceeding, as discussed below. TWC believes that the Administrative Law Judge (“ALJ”)² has authority to consider and grant this request. However, if the ALJ determines that he is without authority to consider, in whole or in part, the requested modification and clarification, TWC respectfully requests that the affected questions presented be certified to the Commission for review pursuant to Section 1.115(e)(3) of the Commission’s rules.

¹ *Memorandum Opinion and Hearing Designation Order*, DA 08-2269 (Med. Bur., rel. Oct. 10, 2008) (“HDO”), modified by *Erratum* (Med. Bur., rel. Oct. 15, 2008) (“Erratum”).

² As of the time of filing, the Commission had not given public notice of the designation of a presiding officer for the instant proceeding. Consequently, TWC is directing this request for relief to the Chief Administrative Law Judge. See 47 C.F.R. § 0.351(e). Because the issues raised in this motion go to the very heart of the future conduct of this proceeding, TWC suggests that its request be held in abeyance until such time as a presiding officer is designated and the parties have had the opportunity to discuss the issues raised herein at a pre-hearing conference called at the earliest convenience of the presiding officer.