

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | MB Docket No. 08-214 |
| Herring Broadcasting, Inc. d/b/a Wealth TV, |) | File No. CSR-7709-P |
| Complainant |) | |
| v. |) | |
| Time Warner Cable Inc. |) | |
| Defendant |) | |
| |) | |
| Herring Broadcasting, Inc. d/b/a Wealth TV, |) | File No. CSR-7822-P |
| Complainant |) | |
| v. |) | |
| Bright House Networks, LLC, |) | |
| Defendant |) | |
| |) | |
| Herring Broadcasting, Inc. d/b/a Wealth TV, |) | File No. CSR-7829-P |
| Complainant |) | |
| v. |) | |
| Cox Communications, Inc., |) | |
| Defendant |) | |
| |) | |
| Herring Broadcasting, Inc. d/b/a Wealth TV, |) | File No. CSR-7907-P |
| Complainant |) | |
| v. |) | |
| Comcast Corporation, |) | |
| Defendant |) | |

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Arthur I. Steinberg
Administrative Law Judge

**HERRING BROADCASTING, INC., D/B/A WEALTHTV'S
SECOND DESIGNATION OF WITNESSES**

Pursuant to the procedures adopted in the Presiding Judge's case management Order of October 23, 2008,¹ Herring Broadcasting, Inc. d/b/a WealthTV ("WealthTV") hereby submits this Second Designation of Witnesses for the hearing in the above-captioned matters. WealthTV

¹ Order, *Herring Broad., Inc. v. Time Warner Cable Inc., et al.*, FCC 08M-44, at 2 (rel. Oct. 23, 2008) ("Order").

is submitting this Second Designation of Witnesses as promptly as possible in order to facilitate expedition of the proceeding.² WealthTV anticipates that it will supplement this Second Designation of Witnesses prior to the procedural deadline for exchanging direct case exhibits and a list of witnesses once such a deadline is re-established.

As a part of its affirmative case, WealthTV intends to offer the declaration of Gary Turner. WealthTV may supplement that declaration through live testimony, additional written testimony, or a combination of both from this witness.³

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| <p>Gary Turner</p> | <p>Gary Turner is a leading industry expert on selling advertising inventory. Dating back to 1998 until 2007, Mr. Turner’s advertising firm, Turner Media Group, later known as The Media Group, sold the advertising inventory for EchoStar. Mr. Turner is also one of the pioneer’s in interactive television, iTV, an advanced interactive transactional advertising platform. Mr. Turner’s firms have represented numerous MVPDs and networks in selling advertising inventory. Mr. Turner is also the co-founder and a owner of Performance One Media, a advertising placement agency, specializing in direct response ads. Mr. Turner’s firms have launched numerous channels. In 2007, The Media Group owned and operated eight transactional networks: The Men's Channel, Healthy Living Channel, Beauty & Fashion Channel, Resort and Residence, iDrive, Men's Outdoors & Recreation, America's Preview Channel and iShop TV.</p> <p>Mr. Turner’s testimony will address the importance of a networks’ achieving certain household coverage thresholds in order to attain long term viability and how defendants’ unlawful refusal of carriage damaged WealthTV. His testimony will address how advertisers treat household coverage thresholds.</p> |
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² As evidenced by counsel’s comments during the pre-hearing conference on October 27, 2008, the other complainants in these consolidated proceedings share WealthTV’ commitment to facilitate expedition of these proceedings, as does the Enforcement Bureau. *See* Enforcement Bureau Comments on Issues Designated for Hearing, MB Docket No. 08-214, File Nos. CSR-7709-P *et al.* (Oct. 27, 2008) (noting that the Enforcement Bureau submitted its comments on defendants’ interlocutory requests “early to expedite this hearing proceeding to the extent possible”).

³ In accordance with the Presiding Judge’s Order, this Second Designation of Witnesses includes “a brief summary of the prospective testimony of each witness.” *Order* at 2, n.7.

If this witness is expected to offer live testimony of substance not summarized below, or in the event that WealthTV elects to offer testimony from additional witnesses, an appropriate summary will be submitted prior to the re-established procedural deadline as ordered by the Presiding Judge for submitting witness lists.

Respectfully submitted,

//signed//

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*Counsel for Herring Broadcasting, Inc. d/b/a
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November 13, 2008

CERTIFICATE OF SERVICE

I, Kathleen Wallman, certify that I caused the foregoing Second Designation of Witnesses, dated November 13, 2008, to be served on the following parties as indicated.

Art Steinhauer, (via email at asteinhauer@sbandg.com)
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//signed//

Kathleen Wallman