

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

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

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Richard L. Sippel
Administrative Law Judge

RESPONSE TO ORDER OF ADMINISTRATIVE LAW JUDGE SIPPEL

Time Warner Cable Inc. (“TWC”), by its counsel, hereby responds to the Order of Judge Sippel, released December 10, 2008 (FCC 08M-52). Specifically, attached is a proposed revised

Procedural and Hearing Order. TWC is authorized to recite that all of the parties involved in the WealthTV cases join in the instant Response.

Respectfully submitted,

TIME WARNER CABLE INC.

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Dated: December 12, 2008
202617.1

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FCC 08M-__

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Cox Communications, Inc.,)	
Defendant)	
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Herring Broadcasting, Inc. d/b/a WealthTV,)	
Complainant)	
v.)	
Comcast Corporation,)	File No. CSR-7907-P
Defendant)	

REVISED PROCEDURAL AND HEARING ORDER

Issued: December __, 2008

Released: December __, 2008

IT IS ORDERED that incident to the Prehearing Conference held on 25 November 2008, the following modified procedural and hearing dates governing the four cases involving Herring Broadcasting, Inc. ARE ESTABLISHED.

5 December 2008

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Document Requests¹ (production subject to negotiated protective order)

¹ To expedite discovery and promote maximum transparency, parties are asked to consider waiving privileges to avoid time-consuming in camera inspection. The parties also should be aware that protective order secrecy in discovery does not apply automatically to evidence introduced at hearing where full disclosure may be required.

12 December 2008	-	Complainant to identify testifying experts, with curriculum vitae, and summarized expected opinions. ²
22 December 2008	-	Defendants to identify testifying experts, with curriculum vitae, and summarized expected opinions. ³
31 December 2008	-	Document production.
16 January 2009	-	Complainant's final expert reports filed. ⁴
23 January 2009	-	Defendants' final expert reports filed. ⁵
26 January 2009 – 20 February 2009	-	Expert witness depositions.
20 February 2009	-	Discovery ends.
26 February 2009	-	Trial briefs exchanged by 12 noon . ⁶
27 February 2009	-	Hearing Exhibits and where utilized, written Testimony, to be exchanged by 12 noon . ⁷
16 March 2009	-	Document Admissions Session commencing at 10:00 a.m.
17 March 2009	-	Hearing commences at 9:30 a.m.

² Depositions of experts are to be taken under the procedures of FRCP 26(b)(4).

³ See note 2.

⁴ Copies of all documents relied upon by expert(s) shall concurrently be served on Defendants.

⁵ Copies of all documents relied upon by expert(s) shall concurrently be served on Complainant.

⁶ Trial Briefs shall include: (1) **Theory of Case**; (2) **Essential Facts** to be Proven; (3) **Witness(es)** for each essential fact; (4) **Documents** to be relied on for each essential fact; (5) **Relief/Remedy** sought; (6) **Legal Authorities**, best court case, agency decisions, orders, other authority relied on; (7) **Evidentiary Issues** that may arise and their proposed disposition citing only best authorities; (8) **Public Interest** to be achieved or served by each requested relief/remedy.

⁷ All exhibits and witness lists must be received by all parties and the Presiding Judge not later than this date. Exhibits are to be serially numbered and assembled in binders. The name of the party introducing the exhibits must be shown on each exhibit (e.g., Herring Exh. 1). All pages within each exhibit must be consecutively numbered and internal numbering by hand is accepted. Tabbed dividers indicating exhibit numbers shall be used. If official notice of documents is requested, they must be assembled, identified by source, given an exhibit number, and exchanged on the date set. Index with descriptive title of each exhibit, number of pages in each exhibit, and identification of the sponsoring witness(es) of each exhibit shall be included. Witness Lists must contain a summary of the testimony of each witness.

Proposed Findings will be filed **15 business days** after receipt of the last hearing transcripts, to be accompanied by a proposed recommended decision (optional). Reply Findings are to be filed **10 business days** after filings of proposed findings and decision. None of the above procedures apply to EB. Bureau Final Comments (optional) are due **5 business days** after Reply Findings.

FEDERAL COMMUNICATIONS COMMISSION⁸

Richard L. Sippel
Chief Administrative Law Judge

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⁸ Courtesy copies of this ruling e-mailed to each counsel on date of issuance.

CERTIFICATE OF SERVICE

I, Mark B. Denbo, a partner at the law firm of Fleischman and Harding LLP, hereby certify that copies of the foregoing "Response to Order of Administrative Law Judge Sippel" were served this 12th day of December, 2008, via email, upon the following:

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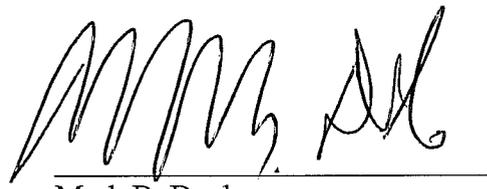
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