

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,)	
Complainant)	
v.)	
Comcast Corporation,)	File No. CSR-7907-P
Defendant)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Richard L. Sippel
Administrative Law Judge

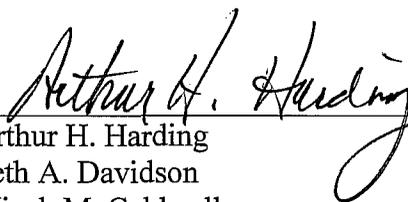
RESPONSE TO ORDER OF ADMINISTRATIVE LAW JUDGE SIPPEL

Time Warner Cable Inc. (“TWC”), by its counsel, hereby responds to the Order of Judge Sippel, released via e-mail on January 28, 2009 (FCC 09M-___). Pursuant to that Order, counsel for TWC, on behalf of all Defendants in the WealthTV cases, has conferred with counsel for

WealthTV, who has authorized TWC to represent that WealthTV does not object to the proposed schedule set forth in the attached "Revised Procedural and Hearing Order," and that while such schedule is reasonable, WealthTV reserves the right to propose a more expedited schedule at tomorrow's prehearing conference. Counsel for TWC also has conferred with counsel for WealthTV regarding the few remaining unresolved issues in their proposed Protective Order, and have scheduled a time for Friday, January 30th for further discussion in an effort to resolve those issues.

Respectfully submitted,

TIME WARNER CABLE INC.



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Dated: January 28, 2009
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Comcast Corporation,)	File No. CSR-7907-P
Defendant)	

REVISED PROCEDURAL AND HEARING ORDER

Issued: January __, 2009

Released: January __, 2009

IT IS ORDERED that incident to the Prehearing Conference held on 29 January 2009, the following modified procedural and hearing dates governing the four cases involving Herring Broadcasting, Inc. ARE ESTABLISHED.

13 February 2009

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Document production.¹

20 February 2009

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Complainant's final expert reports filed.²

¹ Assumes entry of appropriate Protective Order.

² Copies of all documents relied upon by expert(s) shall concurrently be served on Defendants.

- | | | |
|---|---|--|
| 27 February 2009 | - | Defendants' final expert reports filed. ³ |
| 2 March 2009 –
26 March 2009 | - | Expert witness depositions. |
| 26 March 2009 | - | Discovery ends. |
| 3 April 2009 | - | Trial briefs exchanged by 12 noon . ⁴ |
| 6 April 2009 | - | Hearing Exhibits and where utilized, written Testimony, to be exchanged by 12 noon . ⁵ |
| 20 April 2009 | - | Document Admissions Session commencing at 10:00 a.m. |
| 21 April 2009 | - | Hearing commences at 9:30 a.m. |

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 COMMISSION⁶

Richard L. Sippel
Chief Administrative Law Judge

³ Copies of all documents relied upon by expert(s) shall concurrently be served on Complainant.

⁴ 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.

⁵ 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.

⁶ 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 28th day of January, 2009, via email, upon the following:

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A handwritten signature in black ink, appearing to read 'Mark B. Denbo', written in a cursive style. The signature is positioned above a horizontal line.

Mark B. Denbo

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