

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matters 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

Attn: The Honorable Richard L. Sippel
Chief Administrative Law Judge

RESPONSE TO DECLARATION OF JEDD PALMER

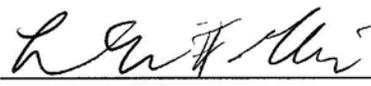
Comcast Corporation, by its attorneys and on behalf of Time Warner Cable Inc., Bright House Networks, LLC and Cox Communications, Inc. (collectively, "Defendants"), hereby responds to WealthTV's declaration of Mr. Jedd Palmer to note that it does not fully comply

with the February 12, 2009 *Expert Witness Order*.¹ The order requires WealthTV to supply information such as “the date that [Mr. Palmer’s] chronic condition rose to an inability to testify as an expert and whether a doctor has advised against travel and testifying,” to justify the substitution of Ms. Sandy McGovern for Mr. Palmer.² The declaration, however, is silent with regard to these questions.

With no explanation, the declaration also offers a new rationale for why Mr. Palmer cannot testify. Mr. Palmer does not state that his chronic condition renders him unable to travel or testify.³ Rather, he states that a recent stent procedure and anticipated elective knee replacement surgery, combined with pre-existing chronic conditions, have “limited my stamina and ability to travel.”⁴ While the Defendants naturally are sympathetic to the state of Mr. Palmer’s health, the substitution of an expert at this late date is a serious matter that requires careful consideration, and the non-compliant declaration that WealthTV filed raises more questions than it answers.

Respectfully submitted,

COMCAST CORPORATION

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¹ Order, FCC 09M-14, at 2 (ALJ rel. Feb. 12, 2009) (“*Expert Witness Order*”). The Defendants request leave to file this brief response in order to clarify the record.

² *Id.* at note 2.

³ Palmer Declaration (filed Feb. 17, 2009).

⁴ *Id.*

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Date: February 20, 2009

CERTIFICATE OF SERVICE

I, Marc D. Knox, hereby certify that, on February 20, 2009, copies of the attached Response to Declaration of Jedd Palmer were served by email to the following:

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