

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

March 18, 2009

STIPULATION REGARDING
DOCUMENT PRODUCTION ISSUES

Complainant Herring Broadcasting, Inc. d/b/a WealthTV (“WealthTV”) and defendants Time Warner Cable Inc. (“TWC”), Comcast Corporation (“Comcast”), Cox Communications, Inc. (“Cox”), and Bright House Networks, LLC (“BHN”) hereby enter into this stipulation to resolve all outstanding discovery issues in the above-captioned proceedings.

WealthTV

To resolve all outstanding issues raised in motions to compel filed against WealthTV and related discussions, WealthTV has agreed to the following:

1) Consistent with the ruling of Chief Administrative Law Judge Sippel on March 11, 2009, WealthTV will produce executed affiliation agreements (including all amendments and side letters) entered into with:

NCTC
AT&T U-Verse
Insight
Qwest
VOOM
GCI

WealthTV represents to the defendants that notices have been provided to the third parties referenced above. Consent has been granted for the production of the affiliation agreements relating to Insight and VOOM, and no approval was necessary for the NCTC agreement that has expired (in contrast to the newly-executed agreement). These agreements have been produced to defendants. The remaining affiliation agreements are subject to the March 11, 2009 order of Judge Sippel and have been submitted to him *in camera*. To the extent any such third party objects to such production, WealthTV agrees to remain neutral.

2) WealthTV represents that it has now produced all amendments and side letters relating to the previously produced affiliation agreements relating to Charter and Verizon.

3) WealthTV will produce its actual current subscriber totals and its best estimates of subscriber totals as of year end 2006 and 2007, by 3:00 p.m. on March 18, 2009.

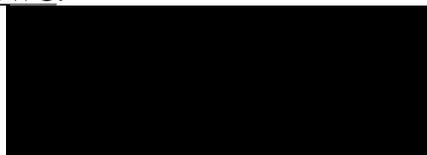
4) WealthTV represents that, after completion of good faith and diligent search efforts, it has already produced all non-privileged responsive documents regarding affiliation agreement negotiations with DirecTV, Dish Network, Suddenlink, Cablevision, Mediacom and Cable One. WealthTV stipulates that it has solicited consideration of WealthTV's carriage with each of the above-referenced multichannel video programming distributors ("MVPDs").

Defendants

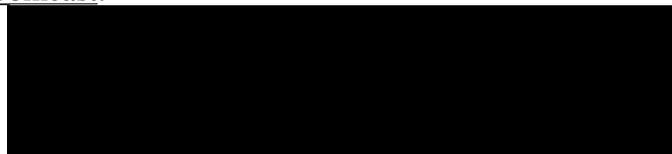
To resolve all outstanding issues raised in motions to compel filed by WealthTV against any of the defendants and related discussions, defendants have agreed to the following:

1) Subject to obtaining any necessary counterparty approvals, defendants TWC and Comcast will each produce affiliation agreements (including related documents or side letters) with four of the newly-launched unaffiliated entertainment networks previously identified to WealthTV as follows:

TWC:



Comcast:



To the extent any of the foregoing networks object to such production, defendants agree to remain neutral.

2) Subject to obtaining any necessary counterparty approvals, defendants will each produce one of the following affiliation agreements (including related amendments or side letters) relating to the following programming services: Versus, E!, Style and Outdoor Channel.

WealthTV has designated the following agreements for production by specified defendants:

TWC:
Style

Comcast:
The Outdoor Channel

Cox:
Versus

BHN:
E!

To the extent any of the foregoing networks object to such production, defendants agree to remain neutral.

3) Defendants represent that after completion of good faith and diligent search efforts of their respective headquarters' files and those systems prominently mentioned in the respective complaint against each, they will conduct searches of the files of the following individuals for any additional non-privileged documents responsive to WealthTV Request No. 1:

TWC:
Mark Psigoda
Gregg DiPaolo
Paul E. Braun
David Marshall
David L. Gray
Dan Santelle

Comcast:

Michael V. Ortman
Elizabeth Bourne (may no longer be employee)

Cox:

Mike Giampietro
Colleen Langner
Duffy Leone

BHN:

Colleen Dillaway
Buz Nesbit

Based on the foregoing stipulations, the parties request that any unresolved motions to compel be dismissed.

Respectfully submitted,

TIME WARNER CABLE INC.

Jay Cohen
Gary R. Carney
Samuel E. Bonderoff
PAUL WEISS RIFKIND WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000

/s/ Arthur H. Harding
Arthur H. Harding
Seth A. Davidson
Micah M. Caldwell
FLEISCHMAN AND HARDING LLP
1255 23rd Street, NW
Eighth Floor
Washington, DC 20037
(202) 939-7900

BRIGHT HOUSE NETWORKS, LLC

Arthur J. Steinhauer
Cody Harrison
SABIN BERMANT & GOULD, LLP
Four Times Square
New York, New York 10036

/s/ R. Bruce Beckner
R. Bruce Beckner
Matthew S. Schwartz
Robert M. Nelson
FLEISCHMAN AND HARDING LLP
1255 23rd Street, NW
Eighth Floor
Washington, DC 20037
(202) 939-7900

COMCAST CORPORATION

/s/ David H. Solomon

David H. Solomon
L. Andrew Tollin
Robert G. Kirk
J. Wade Lindsay
WILKINSON BARKER KNAUER, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037
(202) 783-4141

James L. Casserly
Michael H. Hammer
Megan A. Stull
Michael Hurwitz
WILKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006-1238
(202) 303-1000

Michael P. Carroll
David B. Toscano
Antonio J. Perez-Marques
Jennifer A. Ain
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, New York 10017
(212) 450-4547

COX COMMUNICATIONS, INC.

/s/ David E. Mills

David E. Mills
J. Christopher Redding
Jason E. Rademacher
J. Parker Erkmann
Lynn M. Deavers
DOW LOHNES PLLC
1200 New Hampshire Avenue, NW
Washington, DC 20036
(202) 776-2000

**HERRING BROADCASTING, INC.
D/B/A/ WEALTHTV**

/s/ Kathleen Wallman

Kathleen Wallman, PLLC
9332 Ramey Lane
Great Falls, VA 22066
(202) 641-5387

/s/ Harold J. Feld

STS LLC
1719 Noyes Lane
Silver Spring, MD 20910
(301) 602-7341

CERTIFICATE OF SERVICE

I, Micah M. Caldwell, hereby certify that, on this 18th day of March, 2009, copies of the foregoing "Stipulation Regarding Document Production Issues" were sent via e-mail to the following:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ms. Mary Gosse
Office of Administrative Law Judges
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Kris Anne Monteith
William Davenport
Gary P. Schonman
Elizabeth Mumaw
Federal Communications Commission
Enforcement Bureau
445 12th Street, S.W.
Washington, DC 20554

Kathleen Wallman
Kathleen Wallman, PLLC
9332 Ramey Lane
Great Falls, VA 22066
*Counsel for Herring Broadcasting, Inc.,
d/b/a WealthTV*

Harold Feld
STS LLC
1719 Noyes Lane
Spring, MD 20910
*Counsel for Herring Broadcasting, Inc.,
d/b/a WealthTV*

R. Bruce Beckner
Matthew S. Schwartz
Robert M. Nelson
Fleischman and Harding LLP
1255 23rd Street, NW, 8th Floor
Washington, DC 20037
Counsel for Bright House Networks, LLC

Arthur J. Steinhauer
Cody Harrison
Sabin Bermant and Gould LLP
Four Times Square
New York, NY 10036
Counsel for Bright House Networks, LLC

David H. Solomon
L. Andrew Tollin
Robert G. Kirk
J. Wade Lindsay
Wilkinson Barker Knauer, LLP
2300 N Street, NW, Suite 700
Washington, DC 20037
Counsel for Comcast Corporation

James L. Casserly
Michael H. Hammer
Megan A. Stull
Michael Hurwitz
Willkie Farr & Gallagher LLP
1875 K Street, NW
Washington, D.C. 20006-1238
Counsel for Comcast Corporation

David E. Mills
J. Christopher Redding
Jason E. Rademacher
J. Parker Erkmann
Lynn M. Deavers
Dow Lohnes PLLC
1200 New Hampshire Avenue, NW
Washington, DC 20036
Counsel for Cox Communications, Inc.

REDACTED - FOR PUBLIC INSPECTION

Jay Cohen
Gary Carney
Samuel E. Bonderoff
Paul Weiss Rifkind Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10011
Counsel for Time Warner Cable Inc.

Michael P. Carroll
David B. Toscano
Antonio J. Perez-Marques
Jennifer A. Ain
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
Counsel for Comcast Corporation

/s/ Micah M. Caldwell
Micah M. Caldwell

203854_1