

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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

To: Marlene H. Dortch, Secretary
Federal Communications Commission

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

Joint Motion for Adoption of Further Revised Procedural and Hearing Order

Defendants Time Warner Cable Inc., Comcast Corporation, Cox Communications, Inc.,
and Bright House Networks, LLC, and Complainant Herring Broadcasting, Inc. d/b/a WealthTV
("WealthTV") (collectively, the "Nongovernment Parties"), by their counsel, hereby jointly

move for adoption of the attached Further Revised Procedural and Hearing Order to account for slight modifications with respect to the deadlines for exchange of witness lists and trial briefs in the four cases involving WealthTV.¹ Specifically, the Nongovernment Parties have reached a joint stipulation to exchange witness lists on April 3, 2009, and to exchange trial briefs on April 6, 2009.

Under the revised schedule, the exchange of trial briefs will occur only one business day later than previously scheduled, and will be concurrent with the date already established for the exchange of hearing exhibits and written testimony. Furthermore, the need to provide summaries of the expected testimony of each witness is obviated by the fact that written direct testimony will be filed one business day following the exchange of witness lists. These modifications do not impact any other previously established procedural or hearing dates, nor are they expected to interfere with the commencement of the hearing on a timely basis. As such, the Nongovernment Parties respectfully request that the attached Further Revised Procedural and Hearing Order be granted without delay.

Respectfully submitted,

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¹ Please note that the attached "Further Revised Procedural and Hearing Order" reflects March 30, 2009, rather than March 26, 2009, as the end date for both expert witness depositions and discovery, a change requested by the Nongovernment Parties in their "Joint Motion to Extend Discovery" filed on March 5, 2009, which remains pending in these proceedings. The attached Further Revised Procedural and Hearing Order acknowledges that its issuance will supersede the Joint Motion to Extend Discovery.

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Dated: March 26, 2009
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FCC 09M-__

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

FURTHER REVISED PROCEDURAL AND HEARING ORDER

Issued: March __, 2009

Released: March __, 2009

IT IS ORDERED that in response to the “Joint Motion for Adoption of Further Revised Procedural and Hearing Order” filed on March 26, 2009, the following modified procedural and hearing dates governing the four cases involving Herring Broadcasting, Inc. ARE ESTABLISHED.

- 13 February 2009** - Document production.¹
- 20 February 2009** - Complainant's final expert reports filed.²
- 27 February 2009** - Defendants' final expert reports filed.³
- 2 March 2009 –
30 March 2009** - Expert witness depositions.
- 30 March 2009** - Discovery ends.
- 3 April 2009** - Lists of expected witnesses exchanged.
- 6 April 2009** - Trial briefs, Hearing Exhibits and written Testimony to be exchanged.⁴
- 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.

¹ Assumes entry of appropriate Protective Order.

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

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

⁴ All Witness Lists, Hearing Exhibits and Trial Briefs shall be delivered to the Presiding Judge on the business day following their exchange by the parties. 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. 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.

IT IS FURTHER ORDERED that, in light of the fact that this Further Revised Procedural and Hearing Order reflects modifications to the end dates for expert witness depositions and discovery that were the subject of the nongovernment parties' Joint Motion to Extend Discovery filed on March 5, 2009 in these proceedings, such motion IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION⁵

Richard L. Sippel
Chief Administrative Law Judge

⁵ Courtesy copies of this ruling e-mailed to each counsel on date of issuance.

CERTIFICATE OF SERVICE

I, Micah M. Caldwell, hereby certify that, on this 26th day of March, 2009, copies of the foregoing “Joint Motion for Adoption of Further Revised Procedural and Hearing Order” were sent via e-mail, to the following:

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* Courtesy Copy

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