

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matters 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 Honorable Richard Sippel
Chief Administrative Law Judge

DECLARATION OF CHARLES HERRING

I began working at WealthTV in late 2003. In my work, I used a Compaq desktop computer that pre-dated my arrival at the company, and during travel I used a Dell laptop. At

some point, the Compaq desktop began to malfunction and I decided it would be a good idea to switch to another computer. The IT manager of WealthTV at that time tried to transfer my data from the Compaq desktop to the Dell laptop, and in the course of doing that accidentally erased all of my emails. To my recollection, all of my documents were successfully transferred.

WealthTV sought the help of a third-party data company to try to retrieve the lost emails, but this was unsuccessful. As far as I know, the hard drive was discarded after this unsuccessful attempt because it was damaged and unusable. To my recollection, this happened some time in 2006. I am not able to pinpoint my recollection any more specifically.

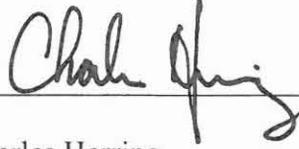
As a result, I currently have only emails going back to April 2006. These have been thoroughly searched for documents responsive to defendants' document requests. To the best of my knowledge, all responsive materials have been produced, in accordance with orders from the Presiding Judge and stipulations among the lawyers.

Even though my pre-April 2006 emails are no longer on my computer, with respect to emails sent and received by me between my arrival at WealthTV and April 2006, my practice has been to ensure that my father, Robert Herring, Sr., the CEO of WealthTV, received an electronic copy via email of such emails. As part of the search for documents responsive to defendants' document requests, I ensured that Robert Herring, Sr.'s emails were searched. Therefore, I believe that my pre-April 2006 emails would have been effectively searched in this manner and produced if responsive.

My data has been transferred from one computer to another as I have moved from one computer not working properly to another in my work on three other occasions since the data transfer from the Compaq desktop to the Dell laptop. On two of these occasions, the transfer occurred without any loss of data of which I am aware. On a third occasion, which to the best of

my recollection was in mid to late 2006, I had data transferred from a Dell laptop computer (the same one to which the data had been transferred from the Compaq desktop) that had begun to malfunction to a Sony Vaio, and I took steps to ensure that all documents that were important to me and WealthTV at the time were transferred, but not everything on that computer was transferred at the time. I am unable to recall exactly which documents were not transferred, but to the best of my recollection, all of my emails were successfully transferred. The Dell laptop was disposed of in 2006, to my recollection, after the data transfer as it was no longer useful or operational. WealthTV's search for documents responsive to defendants' document requests included the Sony Vaio.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2009.



Charles Herring

CERTIFICATE OF SERVICE

I, Kathleen Wallman, hereby certify that, on March 9, 2009, copies of the foregoing

document were served via electronic mail on the following:

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//signed//

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