

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)
)
Herring Broadcasting, Inc. d/b/a)
WealthTV,)
Complainant)
v.)
Time Warner Cable Inc.,)
Defendant)
)
Herring Broadcasting, Inc. d/b/a)
WealthTV,)
Complainant)
v.)
Bright House Networks, LLC,)
Defendant)
)
Herring Broadcasting, Inc. d/b/a)
WealthTV,)
Complainant)
v.)
Cox Communications, Inc.,)
Defendant)
)
Herring Broadcasting, Inc. d/b/a)
WealthTV,)
Complainant)
v.)
Comcast Corporation,)
Defendant)
)

MB Docket No. 08-214

File No. CSR-7709-P

File No. CSR-7822-P

File No. CSR-7829-P

File No. CSR-7907-P

To: Marlene H. Dortch, Secretary
Federal Communications Commission

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

**Supplement to Written Direct Testimony of
Mark Kersey**

I, Mark Kersey, affirm under penalty of perjury that the following is true to the best of my knowledge. While this declaration was prepared with the assistance of counsel, the statements are my own:

1. I provided a statement in this action regarding a tabulation of viewer response surveys delivered directly to me through the comment form on the WealthTV website in 2007. I have checked my e-mail records and have confirmed that I began receiving forms from the Wealth TV website in September 2007 rather than November.
2. During my deposition in this action, defense counsel asked a number of questions regarding how specific survey forms were tabulated - some of which appeared to be duplicates, some where it was clear the household did not receive WealthTV and others where the gender of the respondent was not clear from the first name. I was not able to answer some of those questions because I had not kept records of how the specific surveys responses were tabulated in 2007. It also appeared that my count did not include surveys received in January 2008.
3. During my deposition, a three week period when no survey forms arrived in my e-mail box was identified. I have checked my records and they indicate that there was a technical problem with the WealthTV web host that caused the link to my e-mail to be severed during that time frame.
4. Following my deposition, I worked with WealthTV and counsel to obtain a

duplicate set of surveys that I had analyzed in 2007 plus those completed in January 2008. I provided the complete survey set to a subcontractor who frequently assists me in performing such data driven projects and directed him to provide his own count, keeping a record of how each survey was tabulated. It is my understanding that he also discussed his work with counsel as he was performing it.

5. My subcontractor delivered the Excel Spreadsheet attached as Exhibit A which shows how each survey response form was tabulated in the recount.
6. I reviewed the work of my subcontractor and find it to be accurate and complete. I also conducted my own, independent recount of the survey data, specifically excluding responses for which the gender data of the respondent was unclear, where it was clear that the respondent did not receive WealthTV and for which one respondent appeared to have completed multiple responses.
7. The result of the subcontractor's count, Ex A, is:

	thru 11/30/07		thru 01/02/08	
35 - 70+	104	80%	295	77%
21 - 34	25	19%	75	20%
under 21	1	1%	11	3%
Total	130	100%	381	100%
Male	94	71%	274	71%
Female	39	29%	112	29%
Total	133	100%	386	100%
\$125,000 and higher	19	22%	63	23%
\$75,000 to \$125,000	27	31%	80	29%
\$50,000 to \$74,999	17	20%	56	20%
\$35,000 to \$49,999	16	18%	36	13%
\$25,000 to \$34,999	2	2%	11	4%
\$15,000 to \$24,999	1	1%	6	2%
Less than \$15,000	5	6%	22	8%
Total	87	100%	274	100%

8. The result of my recount is:

thru 11/30/07	Male	Female	Totals
Sex	99	39	138
	71.7%	28.3%	

Age	under 21	21-34	35-70+	no answer	Totals
	2	24	108	4	134
	1.5%	17.9%	80.6%		

Income	under \$15k	\$15k-\$25k	\$25k-\$35k	\$35-\$50k	\$50k-\$75k	\$75k-\$125k	\$125k+	Totals
	5	1	3	15	15	29	22	90
	5.6%	1.1%	3.3%	16.7%	16.7%	32.2%	24.4%	

12/1/07 through 1/02/08

Sex	Male	Female	Totals
	174	70	244
	71.3%	28.7%	

Age	under 21	21-34	35-70+	no answer	Totals
	10	49	183	2	242
	4.1%	20.2%	75.6%		

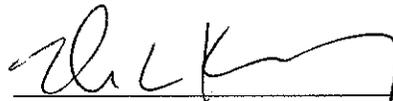
Income	under \$15k	\$15k-\$25k	\$25k-\$35k	\$35-\$50k	\$50k-\$75k	\$75k-\$125k	\$125k+	Totals
	10	5	10	19	38	49	44	175
	5.7%	2.9%	5.7%	10.9%	21.7%	28.0%	25.1%	

9. The results of the recounts confirm that the tabulation in my original testimony is accurate and that the tabulation in my original testimony was substantially correct and that there is no meaningful change to the resulting demographics by disregarding all of the surveys where gender uncertainty, duplication, absence of WealthTV in the household or similar issues raised in my deposition raised questions about the reliability of the response. The slight variation between my count and the independent count by my subcontractor is due to 5 forms that he excluded but I did not. The difference is not significant.

10. In my opinion, the results of the recounts indicate that the original tabulation controlled for the same issues.
11. During the deposition, I was asked whether the responses were sent directly to me or forwarded by WealthTV. I have since examined my e-mail records and have concluded that the forms were sent directly to me from the comment form on WealthTV's website using the e-mail alias of comment@wealthtv.net as a proxy for my own e-mail address.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Executed this 22d Day of April 2009.



Mark L. Kersey