

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,)	File No. CSR-7907-P
Complainant)	
v.)	
Comcast Corporation,)	
Defendant)	
)	
TCR Sports Broadcasting Holding, L.L.P.,)	File No. CSR-8001-P
d/b/a Mid-Atlantic Sports Network,)	
Complainant)	
v.)	
Comcast Corporation,)	
Defendant)	

ORDER

Adopted: August 31, 2009

Released: August 31, 2009

By the Chief, Media Bureau:

1. On October 10, 2008, the Media Bureau issued a *Memorandum Opinion and Hearing Designation Order* (“HDO”) referring the above-captioned program carriage cases to an Administrative Law Judge (“ALJ”) for recommended decisions.¹ The decision failed to specify whether parties are

¹ *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, MB Docket 08-214, Memorandum Opinion and Hearing Designation Order, 23 FCC Rcd 14787 (rel. Oct. 10, 2008) (“HDO”). The HDO also referred a program carriage dispute involving NFL Enterprises, LLC and Comcast Corporation to an ALJ. *See id.* at 14827, ¶ 85 and 14828-29, ¶ 89. This dispute was subsequently settled, and the presiding ALJ granted the parties’ motion to dismiss (continued...)

entitled to file exceptions to the ALJ's recommended decision.² We issue this order, *sua sponte*, to remove uncertainty surrounding this issue and clarify that parties are entitled to file exceptions to the ALJ's recommended decision. We direct parties that choose to file exceptions to comply with the procedures and deadlines set forth in Sections 1.276 and 1.277 of the Commission's rules.³ As applied here, these rules allow parties to file exceptions to or briefs in support of the ALJ's recommended decision within 30 days after public release of the full text of the recommended decision.⁴ These rules also provide that parties may file reply briefs within ten days after the time for filing exceptions has expired.⁵

2. Accordingly, **IT IS ORDERED**, pursuant to Sections 4(i), 4(j), and 409(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 409(b), and Section 1.2 of the Commission's rules, 47 C.F.R. § 1.2, that parties in the above-captioned matters may file exceptions to the ALJ's recommended decision pursuant to the procedures set forth herein.

3. **IT IS FURTHER ORDERED** that all parties to the above-captioned proceedings will be served with a copy of this Order by e-mail and by certified mail, return receipt requested.

4. **IT IS FURTHER ORDERED** that a copy of this Order, or a summary thereof, **SHALL BE PUBLISHED** in the Federal Register.

5. This action is taken pursuant to delegated authority pursuant to Section 0.283 of the Commission's rules.⁶

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

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the complaint with prejudice. *See In the Matter of NFL Enterprises LLC*, MB Docket No. 08-214, File No. CSR-7876-P, Order Dismissing Program Carriage Complaint with Prejudice and Terminating Proceeding, FCC 09M-42 (Chief ALJ Sippel, 2009).

² In the *HDO*, the Media Bureau directed an ALJ to resolve the factual disputes with respect to the claims in each of the above-captioned cases and to "return a recommended decision and a recommended remedy, if necessary, to the Commission" *See HDO*, 23 FCC Rcd at 14842, ¶ 120; *see also id.* at 14842, ¶ 124. The *HDO* also stated that, upon receipt of the ALJ's recommended decision and remedy, the Commission would make the requisite legal determinations and decide upon appropriate remedies, if necessary. *See id.* at 14842, ¶ 121.

³ Sections 1.276 and 1.277 of the Commission's rules pertain to appeal and review of initial decisions. *See* 47 C.F.R. §§ 1.276, 1.277.

⁴ *See* 47 C.F.R. § 1.276(a).

⁵ *See* 47 C.F.R. § 1.277(c).

⁶ *See* 47 C.F.R. § 0.283.