

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

In the Matter of	)	
	)	
Revision of the Commission's Program	)	MB Docket No. 12-68
Access Rules	)	

**MOTION TO ACCEPT FILING AS TIMELY**

The American Cable Association ("ACA") files this motion to accept as timely its comments in response to the Commission's Further Notice of Proposed Rulemaking in this proceeding.<sup>1</sup>

Comments in the proceeding were due on or before December 14, 2012.<sup>2</sup> On December 14, 2012, counsel for ACA began transmitting ACA's comments through the Commission's Electronic Comment Filing System ("ECFS") shortly before midnight Eastern Standard Time.<sup>3</sup> ECFS did not finish processing ACA's comments until 12:00 a.m. on December 15, 2012. As a result, ECFS generated an official filing date of December 15, 2012 for ACA's Comments.<sup>4</sup> It therefore appears that only a few seconds of server processing time caused ACA's filing to cross the line from being timely filed to being officially received after the filing deadline.

---

<sup>1</sup> *In the Matter of Revision of the Commission's Program Access Rules; News Corporation and The DIRECTV Group, Inc., Transferors, and Liberty Media Corporation, Transferee, for Authority to Transfer Control; Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees, et. al.; Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communications Act: Sunset of Exclusive Contract Prohibition*, Report and Order in MB Docket Nos. 12-68, 07-18, 05-192, Further Notice of Proposed Rulemaking in MB Docket No. 12-68, Order on Reconsideration in MB Docket No. 07-29 (rel. Oct. 5, 2012).

<sup>2</sup> See *In the Matter of Revision of the Commission's Program Access Rules*, Order, MB Docket No. 12-68 (rel. Nov. 19, 2012) (extending the deadline for filing comments to December 14, 2012).

<sup>3</sup> The ECFS filing confirmation is attached as Attachment 1 (bottom right corner showing that the filing had been accepted by ECFS on December 14, 2012 at 10:58 p.m. Central Standard Time, or 11:58 p.m. Eastern Standard Time).

<sup>4</sup> See Attachment 1 (showing a confirmation number of 20121215399125).

In addition, after filing, it became apparent that an earlier, incomplete version of the comments had inadvertently been filed. Immediately upon discovery, on Saturday, December 15, 2012, counsel for ACA prepared and filed this motion together with the correct final version of ACA's comments.

ACA requests permission to withdraw its previously filed comments and replace them with the attached version. The attached version reflects corrections to formatting errors and incomplete footnotes, and contains minor revisions that do not alter the substance of the comments. Acceptance of ACA's comments, notwithstanding the short delay (less than 24 hours over the weekend),<sup>5</sup> will promote the development of a complete record and will not prejudice any interested party in the proceeding. Under the circumstances, and in the interest of a full and accurate record in this proceeding, ACA respectfully requests that the Commission accept its corrected comments as timely filed.

Respectfully submitted,

By: Barbara Esbin

Barbara S. Esbin  
Jacob E. Baldwin  
Cinnamon Mueller  
1333 New Hampshire Ave, N.W.  
2<sup>nd</sup> Floor  
Washington, DC 20036  
(202) 872-6881

Attorneys for the American Cable  
Association

---

<sup>5</sup> As of the filing of this Motion, ACA's previously filed comments have not yet been posted to ECFS and are not yet available to any interested party. Accordingly, replacing the previously filed comments with the attached version should not affect any interested party's access to ACA's filing.

**Attachment 1**

## Your submission has been accepted

### ECFS Filing Receipt - Confirmation number: 20121215399125

#### Proceeding

Name	Subject
12-68	Revision Of The Commission's Program Access Rules

#### Contact Info

**Name of Filer:** American Cable Association  
**Email Address:** besbin@cm-chi.com  
**Attorney/Author Name:** Barbara S. Esbin  
**Lawfirm Name (required if represented by counsel):** Cinnamon Mueller

#### Address

**Address For:** Law Firm  
**Address Line 1:** 1333 New Hampshire Ave, N.W.  
**City:** Washington  
**State:** DISTRICT OF COLUMBIA  
**Zip:** 20036

#### Details

**Small Business Impact:** NO  
**Type of Filing:** COMMENT

#### Document(s)

File Name	Custom Description	Size
121214 ACA Comments final.pdf		253 KB

#### Disclaimer

This confirmation verifies that ECFS has received and accepted your filing. However, your filing will be rejected by ECFS if it contains macros, passwords, redlining, read-only formatting, a virus, or automated links to other documents.

Filings are generally processed and made available for online viewing within one business day of receipt. You may use the link below to check on the status of your filing:

<http://apps.fcc.gov/ecfs/comment/confirm?confirmation=20121215399125>

For any problems please contact the Help Desk at 202-418-0193.