

December 19, 2012

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

FILED/ACCEPTED

DEC 19 2012

Federal Communications Commission
Office of the Secretary

Re: In the Matter of Time Warner Cable Emergency Petition for Declaratory Ruling and Enforcement Order and for Injunctive Relief for Violation of 47 C.F.R. § 76.1603

Dear Ms. Dortch:

Enclosed please find an original and two copies of an Emergency Petition for Declaratory Ruling and Enforcement Order and for Injunctive Relief, for filing by Ovation LLC. An additional copy is enclosed to be date-stamped and returned via courier. Please contact me if you have any questions regarding this submission.

Sincerely ,


Debra McGuire Mercer

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
TIME WARNER CABLE)
Emergency Petition for Declaratory Ruling and)
Enforcement Order and for Injunctive Relief for)
Violation of 47 C.F.R. § 76.1603)

CSR-8758

MB Docket No. 13-15

FILED/ACCEPTED

DEC 19 2012

Federal Communications Commission
Office of the Secretary

**EMERGENCY PETITION FOR DECLARATORY RULING AND
ENFORCEMENT ORDER AND FOR INJUNCTIVE RELIEF**

OVATION LLC

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December 19, 2012

TABLE OF CONTENTS

SUMMARY..... i

BACKGROUND..... 2

ARGUMENT..... 6

 A. TWC Is Violating Commission Rule 76.1603..... 6

 B. The Commission Is the Appropriate Forum to Address TWC’s Violation of Subscriber
 Notice Requirements..... 9

 C. Immediate Injunctive Relief is Necessary to Protect the Rights of TWC’s Subscribers.. 10

CONCLUSION..... 12

SUMMARY

Ovation LLC (“Network”) owns and operates a cable television channel called *Ovation*, which is the only national television network that provides programming dedicated to the arts, artistic expression and contemporary culture. Time Warner Cable (“TWC”), a nationwide cable operator that carries Ovation on all of its systems, recently advised Network that it is dropping Ovation from its cable systems as of December 31, 2012. However, in violation of 47 C.F.R. § 76.1603, TWC failed to provide its subscribers with reasonable written notice not less than thirty days prior to terminating carriage of Ovation.

TWC has only included on its subscribers’ bills a statement that programming changes can be found in the legal notices sections of relevant newspapers or on TWC’s website. A review of the legal notices and website postings reveals general information about programming services that may be up for renewal at some unspecified point in the future. Neither the legal notices nor the website postings provide subscribers with specific notice to which they are entitled, *i.e.*, that Ovation will be dropped from their cable service as of December 31, 2012. Furthermore, TWC’s violation of Section 76.1603’s subscriber notice requirements is a serious widespread violation that can be efficiently resolved by this Commission, rather than by Network bringing this issue to the attention of the numerous local franchising authorities within TWC’s service areas.

Network asks the Commission to issue an order declaring that TWC has violated 47 C.F.R. § 76.1603 and prohibiting TWC from deleting Ovation from its cable systems until it has complied fully with the notice requirements in 47 C.F.R. § 76.1603. Ovation meets the four factor test that governs whether immediate injunctive relief is justified. First, Ovation is likely to succeed on the merits. Second, irreparable injury will be suffered by Ovation and its subscribers because without an injunction TWC’s subscribers will be deprived of their right to have the

opportunity to voice their objections regarding TWC's deletion of Ovation prior to the channel being dropped. Third, TWC will not be harmed by being required to comply with a law that protects its subscribers' interests. Fourth, the public interest will be served by requiring cable operators to provide subscribers with notice containing information to which they are entitled and which they need to make informed decisions about their cable service. Immediate injunctive relief is necessary to ensure that TWC's subscribers receive the prior written notice of programming changes mandated by the Commission's rules.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

_____))
In the Matter of))
))
TIME WARNER CABLE))
))
Emergency Petition for Declaratory Ruling and))
Enforcement Order and for Injunctive Relief for))
Violation of 47 C.F.R. § 76.1603))
_____))

**EMERGENCY PETITION FOR DECLARATORY RULING AND
ENFORCEMENT ORDER AND FOR INJUNCTIVE RELIEF**

Ovation LLC (“Network”), pursuant to Section 4(i) of the Communications Act of 1934, as amended (“the Communications Act”) (47 U.S.C. § 154(i)) and Section 76.7 of the Commission’s Rules (47 C.F.R. § 76.7), hereby files this Emergency Petition for a Declaratory Ruling and Enforcement Order and for Injunctive Relief (“Petition”) directing Time Warner Cable (“TWC”) to comply immediately with Commission Rule 76.1603 (47 C.F.R. § 76.1603) by providing reasonable written notice to subscribers not less than thirty (30) days prior to terminating carriage of Network’s programming channel (“Ovation”) on TWC’s cable systems nationwide. TWC has unequivocally notified Network that it will cease to carry Ovation as of December 31, 2012. However, TWC has failed to provide its subscribers with notice that complies with Section 76.1603. Given the imminent and drastic nature of TWC’s action, if the Commission is not able to issue a final decision on this Petition prior to December 31, 2012, Network asks the Commission to order immediate interim injunctive relief to prevent TWC from deleting Ovation thereby depriving its subscribers of Ovation programming without providing the required notice to those subscribers.

BACKGROUND

Network owns and operates a cable television channel called *Ovation*, which provides programming dedicated to the arts, artistic expression and contemporary culture. *Ovation* is the only national television network whose programming focuses on the arts. Programming on the network includes classical and contemporary performing arts performances, documentaries about the arts and artists, and independent and classic films, especially those based on culturally significant literary works or featuring award winning performances by cultural icons.

TWC is a national cable operator with over 12 million cable television subscribers in 29 states. TWC carries *Ovation* on its cable systems nationwide pursuant to an Affiliation Agreement, dated July 1, 1996, which has been amended and extended various times and which is due to expire on December 31, 2012. Network has engaged in good faith efforts to negotiate a further amendment and extension to the Affiliation Agreement, including making several proposals for TWC's continued carriage at modest, industry-accepted rates. Conversely, TWC has refused to engage in active negotiation with Network and, indeed, has never made any counterproposal with regard to renewal. Instead, TWC has unilaterally elected to end those negotiations and terminate carriage of *Ovation* on all of its cable systems. On December 5, 2012, TWC definitively advised Network that, as of December 31, 2012, *Ovation* would be deleted from all of TWC's systems (as well as the systems of Bright House Networks, LLC).

TWC has not advised its subscribers that *Ovation* will be deleted from its systems and that *Ovation*'s programming will no longer be available as of December 31, 2012. TWC has not provided any explicit notice to its subscribers in its bills, on its website or in any other publicly-available information, or, to the best of our knowledge, on-screen on its cable systems. Subscribers' bills include only a reference of where to find programming changes, and on the

TWC website, TWC only includes general information about programming services that may be up for renewal at some unspecified point in the relatively near future.

For example, TWC's bills to subscribers in New York City include the following statement:

For information on any upcoming programming changes, please consult the Legal Notices published in the Daily News on the 1st and 3rd Friday each month or our website at timewarnercable.com/nynj.channelchanges.html.¹

When that website address is entered on the Internet, the TWC site is accessed, however, the following message appears: **"Sorry to crash your party, but the URL you entered does not exist."** There is no mention of programming changes on the webpage.² Instead, at the bottom of TWC website there is a link to "Regulatory" which discloses "Programming Legal Notices" for New York and New Jersey. The programming legal notice for Brooklyn, Queens, Manhattan, and Mount Vernon, dated December 5, 2012, states:

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future.³

Ovation and Ovation HD are two of 62 channels that are listed as being subject to carriage agreements that are "due to expire soon" and for which TWC **"may be required to cease carriage."** (emphasis added). The programming legal notice also specifies several planned changes to services, including a notice that on January 9, 2012 "we will drop TruTV from ch.

¹ See Exhibit 1.

² See Exhibit 2.

³ See Exhibit 3. On December 5, 2012, a notice identical to that on TWC's website was published in the Legal Notices section of the Daily News. See Exhibit 4.

779.” TWC does not provide any notice about any specific plan or intention to drop Ovation in the New York City area.⁴

TWC’s bills to subscribers in Los Angeles, California, similar to the bills to subscribers in New York City, include the following statement:

Programming Information: For information on any upcoming programming changes, please consult the Legal Notices published in the Los Angeles Times on the 1st and 3rd Thursday each month or the following website: twc.com.⁵

When the website address is entered on the Internet, the home page for TWC is accessed, but there is no mention of programming changes on the webpage.⁶ Again, at the bottom of the Internet webpage, there is a link to “Regulatory” which discloses “Programming Legal Notices” for Southern California (including Los Angeles, Orange County, parts of Riverside County, parts of San Bernardino County, Ventura) (if you are logging in from a California computer or have entered an applicable California location).

This programming legal notice, which is undated, is substantially similar to that for New York, and states:

Time Warner Cable’s agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire.

⁴ In addition to the other insufficiencies of these notices discussed herein, burying the notification about potential future channel deletions in a portion of the TWC website labeled “Regulatory” is itself misleading. It seems to assume that cable subscribers would expect to find information about potential channel line up changes in the “Regulatory” section of the website, (*i.e.*, that the decisions about selection of programming channels are regulatory matters). Few consumers would be likely to expect to click on “Regulatory” to find out the latest information about which of their favorite channels might not be available to them.

⁵ See Exhibit 5.

⁶ See Exhibit 6.

The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future.⁷

Ovation is one of 59 channels that is listed as being subject to agreements that are “due to expire soon” and for which TWC “may be required to cease carriage.” The programming legal notice also specifies several planned changes to services, including a notice that on December 17, 2012 “GMC, channel 160, will move from Choice Tier to the Variety Tier.” TWC does not provide any notice about its specific plan to drop carriage of Ovation in Southern California.⁸

Statements included on TWC’s bills to subscribers that tell subscribers to look to TWC’s website and the legal notices sections of newspapers to find information regarding upcoming programming changes do not satisfy the notice requirement in 47 C.F.R. § 76.1603. Further, the notices provided on the TWC website and newspapers also do not satisfy such notice requirements. Indeed, TWC has failed to provide any reasonable written notice to its subscribers that it will be deleting Ovation on December 31, 2012. Therefore, Ovation requests this Commission to issue an order declaring that TWC is in violation of Section 76.1603 by failing to give subscribers notice of TWC’s deletion of Ovation from its cable systems and order that TWC not delete Ovation until it has provided lawful notice of such deletion.

⁷ See Exhibit 7. On December 6, 2012, a notice identical to that on TWC’s website was published in the Legal Notices section of the Los Angeles Times. See Exhibit 8.

⁸ It is important to note that TWC has advised Ovation that it will be deleted from TWC’s cable systems in all United States markets, not only the New York City and Los Angeles markets. TWC’s statements on bills, Legal Notices and website postings concerning the New York City and Los Angeles markets are provided as examples of TWC’s conduct and do not geographically limit the extent of TWC’s conduct encompassed by this Petition.

ARGUMENT

A. TWC Is Violating Commission Rule 76.1603.

Commission Rule 76.1603(b) provides: “Customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator.”⁹ Commission Rule 76.1603(c) further provides, in part:

In addition to the requirement of paragraph (b) of this section regarding advance notification to customers of any changes in rates, programming services or channel positions, cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g., inflation, change in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified.¹⁰

Commission Rule 76.1603(e) states that “[t]o the extent the operator is required to provide notice of service and rate changes to subscribers, the operator may provide such notice using any reasonable written means at its sole discretion.” Thus, while the cable operator has discretion to determine how to notify subscribers of service changes, such as deletion of a channel, any such notice must (1) be initiated 30 days in advance of the service change; (2) separately identify the channel being deleted; and (3) be accomplished using reasonable written means.

⁹ Commission Rule 76.1603 implements various sections of the Cable Television Consumer Protection & Competition Act of 1992 (“1992 Cable Act”), including the following codified sections: 47 U.S.C. §§ 543 and 552.

¹⁰ 47 C.F.R. § 76.1603(c) (emphasis added).

The purpose of the subscriber notice requirements in Section 76.1603 is to “alert subscribers to changes in their programming services prior to implementation of such changes.”¹¹ The Commission has further explained the reasons for the channel change notification requirement as follows:

The rule requiring cable operators to provide subscribers with thirty-days notice before dropping a channel serves at least two important purposes. First, it provides customers with the opportunity to make their voices heard before any programming changes are made. Second, it allows customers to make arrangements to secure dropped channels through alternative means, such as by changing service providers.¹²

If TWC uses notification methods that do not meaningfully alert subscribers to programming changes and afford those subscribers opportunities to be heard and to make alternative arrangements, then its notification methods are not adequate to fulfill either the requirement codified at Section 76.1603 or the Commission’s stated purpose for that rule.

Subscribers’ bills include no information whatsoever regarding programming changes, other than a reference to difficult-to-find, twice monthly postings in the Legal Notices sections of one regional newspaper and an inapplicable page of the TWC website (one of which could not even be accessed). Even in those locations, the information regarding the possibility that there might be future programming changes involving dozens of channels does not constitute notice of impending channel deletions as expressly required by Section 76.1603. Neither the Legal Notices referenced in the subscribers’ bills nor TWC’s website notify TWC subscribers that Ovation will be deleted as of December 31, 2012 and no longer available to those TWC subscribers after that date. Rather, the Legal Notices and website postings only state that agreements with numerous programming services or channels are “due to expire soon” and that

¹¹ Time Warner Cable Request for Waiver of Section 76.1603(b) of the Commission’s Rules, Memorandum Opinion and Order, 23 FCC Rcd 1216, ¶ 7 (Media Bureau: 2008).

¹² Time Warner Cable, Order, 21 FCC Rcd 8808, ¶ 7 (Media Bureau: 2006).

TWC “may be required to cease carriage of one or more of these services/stations in the near future.” Although Ovation is listed among the many channels with carriage agreements that will soon expire, there is no information that separately identifies Ovation as a channel which will be deleted, as required by Section 76.1603(c). In short, TWC subscribers are left to guess which of the many listed channels subject to soon-to-expire agreements will, in fact, be deleted from TWC’s lineup of available program channels.

TWC has provided no cognizable notice to subscribers that Ovation will be deleted. Moreover, even if TWC had provided explicit notice on its website that TWC was deleting Ovation (which it has not), its website postings regarding programming legal notices are not easily accessed. As noted above, TWC’s New York City bills direct subscribers to an Internet address that does not exist. Even if subscribers are able to access the TWC website notwithstanding the incorrect website address contained in the TWC “notice,” the information regarding program changes can only be found by the savvy subscribers that click on the “Regulatory” link. TWC’s failure to adequately direct subscribers to the appropriate location on its website for information about programming changes is confusing to subscribers and does not constitute reasonable written notice pursuant to Section 76.1603(e).

Finally, given the complete lack of notice regarding the deletion of Ovation from TWC’s cable systems, TWC has denied its subscribers their rights as contemplated by the rule to comment on the channel deletion or to arrange to receive Ovation from another provider. Based on the foregoing, TWC has not complied with the notice requirements set forth in Section 76.1603 regarding its intent to delete carriage of Ovation on December 31, 2012.

B. The Commission Is the Appropriate Forum to Address TWC's Violation of Subscriber Notice Requirements.

The Commission has generally delegated to local franchise authorities the power to enforce customer service standards against cable operators.¹³ However, the Commission has noted that, “consistent with our overall obligation to effectuate the reforms mandated by the 1992 Cable Act, we retain the authority to address, as necessary, systemic abuses that undermine the statutory objectives.”¹⁴ A key objective of the 1992 Cable Act was “to ensure that cable operators nationwide provide satisfactory service to their customers.”¹⁵ TWC’s violation of Section 76.1603’s subscriber notice requirements denies to its subscribers nationwide the right to be notified in advance of programming carriage changes. TWC’s complete failure to notify its subscribers of its immediate plans to delete carriage of a programming source of importance to many of its subscribers in accordance with the Commission’s rules is a serious widespread violation that can and should be efficiently resolved by this Commission, rather than by Network attempting to obtain relief through numerous local franchising authorities throughout the nation.

Indeed, the Media Bureau addressed this exact issue in 2006 in response to a petition by NFL Network when TWC dropped that channel from its cable systems nationwide without providing the required notice to subscribers. The Media Bureau stated, in affirming its authority to provide interim relief to the NFL Network, as follows:

In short, this is not an isolated incident to be addressed by a single franchising authority; rather, it is a systemic abuse. As a practical matter, it does not make sense to require individual local franchising authorities to address a problem of

¹³ See Implementation of Section 8 of the Cable Television Consumer Protection & Competition Act of 1992, Report and Order, 8 FCC Rcd 2892, 2897 (1993).

¹⁴ Id.

¹⁵ Id. at 2893.

nationwide scope. **Agency action is therefore necessary and appropriate here to vindicate federal interests.**¹⁶

Therefore, the Commission, rather than various franchising authorities throughout the country, has authority and the responsibility to address TWC's nationwide failure to provide appropriate subscriber notice of its decision to terminate carriage of Ovation's programming and to grant the relief requested by this Petition.

C. Immediate Injunctive Relief is Necessary to Protect the Rights of TWC's Subscribers.

The Commission has broad authority under Section 4(i) of the Communications Act to order injunctive relief.¹⁷ In evaluating a petition for emergency relief that seeks an injunction, the Commission considers four criteria: (1) a likelihood of success on the merits; (2) the threat of irreparable harm absent the grant of preliminary relief; (3) the degree to injury to other parties if relief is granted; and (4) that the ordering the injunctive relief will further the public interest.¹⁸

The Commission will balance the interests represented in the four part test on a case-by-case basis. No single factor is dispositive and the moving party does not necessarily need to show irreparable injury.¹⁹ The Commission has noted that a "compelling demonstration that the public interest would be irreparably harmed lessens the level of certainty required of a moving

¹⁶ Time Warner Cable, Order on Reconsideration, 21 FCC Rcd 9016, ¶ 32 (Media Bureau: 2006) (emphasis added).

¹⁷ General Communication, Inc. v. Alaska Communications Systems Holdings, Inc., 16 FCC Rcd 2834, n.163 (2001).

¹⁸ See AT&T Corp. v. Ameritech Corp., 13 FCC Rcd 14508 (1998); see also Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841 (D.C. Cir. 1977); Virginia Petroleum Jobbers Ass'n v. Federal Power Comm'n, 259 F.2d 921, 925 (D.C. Cir. 1958).

¹⁹ AT&T Corp., 13 FCC Rcd at 14516 n.43 (citing United States v. Southwestern Cable Co., 392 U.S. 157, 180 (1968)).

party to show that it will prevail on the merits.”²⁰ Furthermore, the relative importance of the factors varies depending on the circumstances. For example, “in litigation involving the administration of regulatory statutes designed to promote the public interest, this factor necessarily becomes crucial.”²¹

Application of these four factors to the instant situation compels that the Commission grant immediate injunctive relief. First, Ovation is likely to succeed on the merits. As detailed in Section A of this Petition, TWC is in patent violation of Section 76.1603 by failing to provide its subscribers with 30 day notice that Ovation will be dropped from TWC’s cable systems on December 31, 2012.

Second, irreparable injury will be suffered by Ovation and its subscribers unless an injunction is issued. If TWC drops Ovation, without having provided the required notice to subscribers, those subscribers will suffer irreparable harm. In particular, TWC’s subscribers to whom Ovation programming is important will be deprived of their right to have the opportunity to voice their objections regarding TWC’s deletion of Ovation prior to the channel being dropped. In addition, they will not have sufficient time to arrange for an alternative means to receive Ovation.

Third, TWC will not be harmed if it is precluded from deleting Ovation until such time that it has provided notice to subscribers in accordance with Section 76.1603 -- the only “harm” that it arguably might suffer is to continue to pay license fees during the notice period at the same rates as all other Ovation affiliates. The Commission’s grant of injunctive relief will simply require TWC to comply with a law that protects subscribers’ interests in receiving prior written notice of programming changes.

²⁰ Id. at 14515-16.

²¹ Id. at 14516 (citing Virginia Petroleum Jobbers Ass’n, 259 F.2d at 925).

Fourth, the public interest is served by requiring cable operators to comply with the Commission's rules. The subscriber notice requirements in Section 76.1603 ensure that cable subscribers receive in a timely manner important information regarding changes in the services provided by their cable operator. This information enables subscribers to make educated decisions about the quality of the service and whether they want to continue to receive that service in light of upcoming changes or to consider alternatives. The public interest compels that subscribers be provided with the information to which they are entitled and which they need in order to make informed decisions.

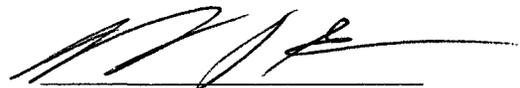
Based on the foregoing, immediate injunctive relief is critical to ensure that TWC's subscribers receive the notice of programming changes mandated by the Commission's rules.

CONCLUSION

Wherefore, Network respectfully requests the Commission to grant its Petition and issue an order declaring that TWC has violated 47 C.F.R. § 76.1603 and prohibiting TWC from deleting Ovation from its cable systems until it has complied fully with the notice requirements in 47 C.F.R. § 76.1603.

Respectfully submitted,

OVATION LLC



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Its Attorneys

December 19, 2012

DECLARATION OF OVATION LLC

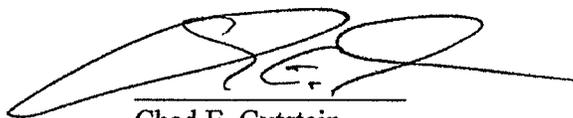
In accordance with 47 C.F.R. § 1.16, Chad E. Gutstein states as follows:

1. I am Chief Operating Officer of Ovation LLC ("Ovation"). My business address is 2850 Ocean Park Boulevard, #225, Santa Monica, CA 90405.

2. In my capacity as Chief Operating Officer of Ovation, I am an authorized representative of Ovation. I am filing this Declaration in support of Ovation's Emergency Petition for Declaratory Ruling and Enforcement Order and for Injunctive Relief against Time Warner Cable ("Petition"). I have read Ovation's Petition and confirm that the information contained therein is true and correct to the best of my knowledge.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on December 18, 2012.

A handwritten signature in black ink, appearing to read 'Chad E. Gutstein', written over a horizontal line.

Chad E. Gutstein
Chief Operating Officer

Exhibit 1

Customer service
 Call us anytime 212-358-0900
 Visit us at twc.com

STANDARD CABLE SERVICE

Account number

Customer Code

Service Period	Due date	Amount due
12/06 - 01/05	Dec 19, 2012	\$

Service address

Previous balance
 Payments received as of Nov 28, 2012

Current monthly services
 Adjustment/credits
 Taxes and fees

Total due by autopay

You saved \$11.50 over our regular total rate of \$12.00.

Thank you for your patience as we worked to restore service following Hurricane Sandy. Because your home was in an especially hard-hit area, your statement includes an automatic credit for the days your TWC services were interrupted by the storm.

A Free Preview of Showtime is available 1/11/13 - 1/13/13 to Digital subscribers and may contain PG,PG-13,TV-14,TVMA and R rated programs. To block this Preview, and for parental control information, visit twc.com or call 1-800-TWCABLE. Some restrictions apply.

Please detach and enclose this coupon with your payment

Payment due date
Dec 19, 2012

Total amount due
\$

Account number

Amount enclosed
AUTOPAY

You are an AUTOPAY customer. Thank you!
 Auto Bank Payment Will Be Made 12/19/12

Total due by autopay: \$
Account number
Customer Code

Try our voice recognition shortcuts for customer service. Call 212-358-0900 and say what you want to do- "Questions about my bill," "Pay my bill," etc.
 Korean: 718-461-0659 9am-6pm, Mon-Sat
 Chinese: 718-358-7928 9am-6pm, Mon-Sat

Pay online Save time and paper with PayExpress. Go green with online bill payment. Make sure you have your account number, which is at the top of your statement. Sign up and make payments at twc.com
Pay by phone Make a credit card payment free of charge using our automated payment system at 1-866-899-7737. Use your Visa, MasterCard, Discover or American Express card.

Previous balance	
Balance last statement	
Total previous balance	
Payments	
11/19	- Credit Card Payment
-	- Total payments
Current monthly services	
12/06 - 01/05	TWC WiFi
12/06 - 01/05	DVR Service
12/06 - 01/05	Basic Service
12/06 - 01/05	Internet Modem Lease
12/06 - 01/05	Remote
12/06 - 01/05	Standard Service
12/06 - 01/05	Converter
12/06 - 01/05	DTV
12/06 - 01/05	Premium With Pod Service
	HBO And Pod \$11.99, Showtime And Pod \$11.98,
	TMC And Pod \$11.98
	<small>TV Service is \$11.99 a month. Minimum 12 month contract. Minimum 30 day notice.</small>
12/06 - 01/05	Additional DTV Service
	Converter \$10.00, Additional DTV \$4.00,
	Remote \$.25
12/06 - 01/05	Standard Internet
Total current monthly services	
Adjustment/credits	
11/09	Hurricane Sandy Credit
Total adjustment/credits	
Taxes and fees	
0.35	Sales Tax
8.54	Franchise Fee
0.08	FCC Regulatory Fee - Cable

Taxes and fees cont.	
1.03	Public Access Fee
10.00 Total taxes and fees	
\$ Total due by autopay	

Your FCC Community Code is Ny0234

Customer information

Time Warner Cable's office nearest you:

46A East 23rd Street
 2554 Broadway at 96th Street
 Monday - Friday 8am - 7pm
 Saturday 8am - 5pm
 For additional locations please visit our website at twc.com

Collection Of Late Charges

Past due accounts incur a late payment charge of \$7.50. There is a \$10.00 charge for all delinquent payments collected at your home

Explanation of fees relating to digital phone service

Federal Universal Service Fund - This charge is to recover the amount that telephone service providers must contribute to the Federal Universal Service fund, which helps keep local phone rates affordable for all Americans.

Emergency 911 Charge - This charge is billed on behalf of your local community, which has asked you to pay a small charge each month to assist in providing for emergency 911 service in your community

Regulatory Recovery Fee - The Service Provider recovery fees include regulatory programs/cost recovery, gross receipts, and other fees to defray the costs of complying with governmental regulations. They are not taxes and are subject to change

Problem about your bill or service

Send all billing and service correspondence to: Time Warner Cable, Customer Support, 41-61 Kissena Blvd., Flushing, NY 11355. If your problem has not been resolved to your satisfaction within 30 days, you may contact

The Department of Information Technology and Telecommunications
 Telecommunications and Cable Television Divisions, 2 MetroTech Center, 4th Floor, Brooklyn, NY 11201. Phone: 311, or email www.NYC.GOV/complaint

State of New York Public Service Commission
 Three Empire State Plaza, Albany, NY 12223-1350, Phone 1-800-342-3377

We are a member of the Better Business Bureau of Metropolitan New York Customer Commitment Program. For customer inquiries log on to www.newyork.bbb.org.

For information on any upcoming programming changes please consult the Legal Notices published in the Daily News on the 1st and 3rd Friday each month or our website at timewarnercable.com/nynj/channelchanges.html

Closed Captioning

Currently experiencing technical issue with closed captioning? Call 212/718-358-0900, or email twc.closedcaptioningissues@twcable.com. Want to write to us? Address captioning-related issues to H Dudash, 13820 Sunrise Valley Dr., Herndon, VA 20171, Fax 704-697-4935, or email twc.closecaptioningissues@twcable.com. To follow up on a written submission ONLY, call 1-877-276-7432.

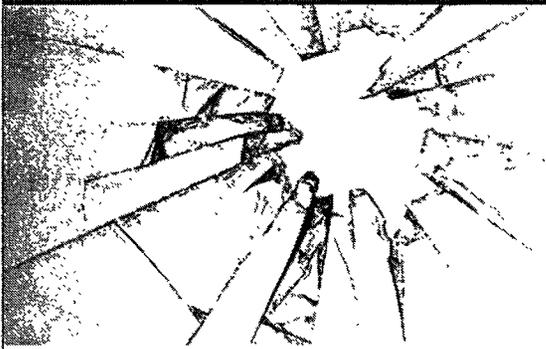
Exhibit 2



Search... Go



ORDER PACKAGES TV INTERNET PHONE INTELLIGENTHOME MYSERVICES SUPPORT



Sorry to crash your party, but the URL you entered does not exist.

To begin again, please visit ..

Residential | Support | About Us

Search... Go

- Products**
 - Packages
 - TV
 - Internet
 - Phone
 - IntelligentHome
- Services**
 - Pay Your Bill Online
 - Ways to Pay Your Bill
 - Moving?
 - MyServices Login
 - TWC Apps
- Support**
 - Browse Support Topics
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Exhibit 3

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Programming Legal Notices



Brooklyn, Queens, Manhattan, Mount Vernon

December 5, 2012

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future:

AAJ, Africa Channel, Africa Channel HD, Chinese Channel, Chinese Cinema, CNC World, Current TV, E!, E! HD, Ecuavisa, Encore, Encore HD, Encore Action, Encore Drama, Encore Love, Encore Suspense, Encore Family, Encore Westerns, GOL TV, GOL TV HD, Hallmark, Hallmark HD, Hallmark Movie Channel HD, Halogen, IFC, IFC HD, Jus Punjabi, KBN, LATV, Lifetime, Lifetime HD, Lifetime Movie Network, Lifetime Movie Network HD, Lifetime Real Women, Media Korea TV (MKTV), Music Choice, News 12, NHL Center Ice, NHL Network, NHL Network HD, Ovation, Ovation HD, Polski Radio, ShopNBC, Smithsonian HD, STARZ!, STARZ! HD, Starz Cinema, Starz Comedy, Starz Comedy HD, Starz Edge, Starz Edge HD, Starz in Black, Starz Kids and Family, Starz Kids and Family HD, Style Network, Style Network HD, Supercanal, Telemicro International, The Bangladesh Channel, TV Polonia, WE, WE HD, and Youtoo TV.

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On November 27, 2012 in Manhattan, Brooklyn and Queens we launched a simulcast of TruTV HD on ch. 735.

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On or about January 9, 2013 we will launch Hallmark Movie Channel on ch. 110 in Manhattan, Brooklyn and Queens and on ch. 146 in Mount Vernon. Hallmark Movie Channel will be part of our DTV service offering.

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Also on this date in Manhattan, Brooklyn and Queens we will drop TruTV HD from ch. 779.

Beginning January 11, 2013 and ending on January 13, 2013 we will have a Free Preview of all the Showtime services. During the Free Preview period these services will be open to all digital subscribers. If you do not wish to participate in this Free Preview, please contact your local Customer Service department to have the services blocked.

You may downgrade or terminate service without charge at any time. Further, if carriage of a premium service is discontinued and you have incurred installation, upgrade or other one-time charges relating to such premium service within six months prior to the date of the change, you may elect to downgrade or terminate service within 30 days and obtain a rebate of any such charge.

Exhibit 4

LEGAL NOTICE

LEGAL NOTICE



Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: AAJ, Africa Channel, Africa Channel HD, Chinese Channel, Chinese Cinema, CNC World, Current TV, E!, E! HD, Ecuavisa, Encore, Encore HD, Encore Action, Encore Drama, Encore Love, Encore Suspense, Encore Family, Encore Westerns, GOL TV, GOL TV HD, Hallmark, Hallmark HD, Hallmark Movie Channel HD, Halogen, IFC, IFC HD, Jus Punjabi, KBN, LATV, Lifetime, Lifetime HD, Lifetime Movie Network, Lifetime Movie Network HD, Lifetime Real Women, Media Korea TV (MKTV), Music Choice, News 12, NHL Center Ice, NHL Network, NHL Network HD, Ovation, Ovation HD, Polski Radio, ShopNBC, Smithsonian HD, STARZ!, STARZ! HD, Starz Cinema, Starz Comedy, Starz Comedy HD, Starz Edge, Starz Edge HD, Starz in Black, Starz Kids and Family, Starz Kids and Family HD, Style Network, Style Network HD, Supercanal, Telemicro International, The Bangladesh Channel, TV Polonia, WE, WE HD, and Youtoo TV. In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned: On November 27, 2012 in Manhattan, Brooklyn and Queens we launched a simulcast of TruTV HD on ch. 735. On or about January 9, 2013 we will launch Hallmark Movie Channel on ch. 110 in Manhattan, Brooklyn and Queens and on ch. 146 in Mount Vernon. Hallmark Movie Channel will be part of our DTV service offering. Also on this date in Manhattan, Brooklyn and Queens we will drop TruTV HD from ch. 779. Beginning January 11, 2013 and ending on January 13, 2013 we will have a Free Preview of all the Showtime services. During the Free Preview period these services will be open to all digital subscribers. If you do not wish to participate in this Free Preview, please contact your local Customer Service department to have the services blocked. You may downgrade or terminate service without charge at any time. Further, if carriage of a premium service is discontinued and you have incurred installation, upgrade or other one-time charges relating to such premium service within six months prior to the date of the change, you may elect to downgrade or terminate service within 30 days and obtain a rebate of any such charge.

LEGAL NOTICE LEGAL NOTICE TIME...

LEGAL NOTICE LEGAL NOTICE TIME WARNER CABLE
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Post Date: 2012-12-05

Exhibit 5

Exhibit 6



For Your Home

For Your Business

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Southern California

Including: Los Angeles, Orange County, parts of Riverside County, parts of San Bernardino County, Ventura.

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Africa Channel, AYM Sports, Bandamax, CBTv Michoacan, Current TV, De Pelicula, De Pelicula Clasico, E!, E! HD, Ecuavisa, Encore, Encore, Encore Drama, Encore Love, Encore Mystery, Encore WAM, Encore Action, Encore Westerns, Go!TV, Go!TV HD, Hallmark, Hallmark HD, Hallmark Movie Channel, Hallmark Movie Channel HD, Halogen TV, IFC, IFC HD, Latinoamerica TV, Lifetime, Lifetime HD, Lifetime Movie Network, Lifetime Movie Network HD, Lifetime Real Women, Mexico 22, Movieplex, Music Choice Channels, NHL Center Ice, NHL Network, NHL Network HD, Once Mexico, Ovation, ShopNBC, Smithsonian Channel HD, Sprout, STARZ!, STARZ HD, STARZ East, STARZ East HD, STARZ Edge, STARZ Cinema, STARZ in Black, STARZ Kids & Family, Skylink, Style, Style HD, WE, WE HD, Youtoo and KEYT.

In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or after December 3, 2012, RL TV will be made available on channel 151 to customers with subscription to the Variety tier

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On or after December 13, 2012, Aspire will be made available on channel 136 to customers with subscription to the Variety tier.

On or after December 13, 2012, Azteca America HD (KAZA) will be made available on channel 389 to customers with subscription to Broadcast (Basic TV).

On or after December 13, 2012, BBC World News will be made available on channel 138 to customers with subscription to Variety Tier.

On or after December 13, 2012, beIN SPORT & beIN SPORT HD will be made available to customers with subscription to the TWC Sports Pass. beIN SPORT en Espanol & beIN SPORT en Espanol HD will be made available to customers with subscription to the Espanol Tier.

On or after December 13, 2012, Encore HD will be made available on channel 349 to customers with subscription to TWC Movie Pass.

On or after December 13, 2012, fearNET, channel 280 and fearNET HD, channel 352 will be made available to customers with subscription to TWC Movie Pass where not already carried.

On or after December 13, 2012, Fox Deportes HD will be made available on channel 380 to customers with subscription to the Variety Tier and Espanol Tier.

On or after December 13, 2012, Fox Movie Chanel HD will be made available on channel 351 to customers with subscription to Variety Tier and TWC Movie Pass.

On or after December 13, 2012, HSN HD will be made available on channel 489 to customers with subscription to Broadcast Basic.

On or after December 13, 2012, Hub HD will be made available on channel 339 to customers with subscription to Variety Tier, El Paquetazo and Family Choice.

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On or after December 13, 2012, MeTV will be made available on channel 137 to customers with subscription to Variety Tier where not already carried.

On or after December 13, 2012, MLB Network Strike Zone HD will be made available to customers with subscription to TWC Sports Pass where not already carried.

On or after December 13, 2012, Nat Geo WILD HD will be made available on channel 342 to customers with subscription to Variety Tier and El Paquetazo.

On or after December 13, 2012, Sundance Channel HD will be made available on channel 350 to customers with subscription to TWC Movie Pass.

On or after December 13, 2012, Tennis Channel HD will be made available on channel 473 to customers with subscription to TWC Sports Pass.

On or after December 13, 2012, TV Japan HD will be made available on channel 606 to customers with subscription to TV Japan.

On or after December 17, 2012, BBC America, channel 134/884, and BBC America HD, channel 484, will be moving from Basic Cable to Variety Tier.

On or after December 17, 2012, GMC, channel 160, will move from Choice Tier to the Variety Tier.

On or after December 17, 2012, Nick Jr will be transitioning from an East coast feed to a West coast feed. This change will have no impact on channel placement or packaging. This change could impact scheduled DVR recordings.

Time Warner Cable will offer a Free Preview of Showtime and The Movie Channel 1/11/13 - 1/13/13. It is available to all Digital subscribers and may contain PG, PG-13, TV-14, TVMA and R rated programs. If you wish to have this Preview blocked, and for parental control information, visit twc.com or call 1-800

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-TWCABLE. Programming is subject to change. Not all services available in all areas. Restrictions may apply.

Exhibit 8

Los Angeles Times

LOCAL U.S. WORLD BUSINESS SPORTS ENTERTAINMENT HEALTH LIVING TRAVEL OPINION DEALS

BREAKING PHOTOS VIDEO CRIME OBITUARIES WEATHER TRAFFIC CROSSWORDS GAMES HOROSCOPES APPS

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Legal Notices: Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future. Africa Channel, AYM Sports, Bandamax, CBTV Michoacan, Current TV, De Pelicula, De Pelicula Clasico, El, El! HD, Ecuavisa, Encore, Encore Drama, Encore Love, Encore Mystery, Encore WAM, Encore Action, Encore Westerns, Go!TV, Go!TV HD, Hallmark, Hallmark HD, Hallmark Movie Channel, Hallmark Movie Channel HD, Halogen TV, IFC, IFC HD, Latinoamerica TV, Lifetime, Lifetime HD, Lifetime Movie Network, Lifetime Movie Network HD, Lifetime Real Women, Mexico 22, Movieplex, Music Choice Channels, NHL Center Ice, NHL Network, NHL Network HD, Once Mexico, Ovation, ShopNBC, Smithsonian Channel HD, Sprout, STARZ!, STARZ HD, STARZ East, STARZ East HD, STARZ Edge, STARZ Cinema, STARZ in Black, STARZ Kids & Family, Skylink, Style, Style HD, WE, WE HD, Youtoo and KEYT. In addition, from time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned: On or after December 3, 2012, RL TV will be made available on channel 151 to customers with subscription to the Variety tier. On or after December 13, 2012, Aspire will be made available on channel 136 to customers with subscription to the Variety tier. On or after December 13, 2012, Azteca America HD (KAZA) will be made available on channel 389 to customers with subscription to Broadcast (Basic TV). On or after December 13, 2012, BBC World News will be made available on channel 138 to customers with subscription to Variety Tier. On or after December 13, 2012, beIN SPORT & beIN SPORT HD will be made available to customers with subscription to the TWC Sports Pass. beIN SPORT en Espanol & beIN SPORT en Espanol HD will be made available to customers with subscription to the Espanol Tier. On or after December 13, 2012, Encore HD will be made available on channel 349 to customers with subscription to TWC Movie Pass. On or after December 13, 2012, fearNET, channel 280 and fearNET HD, channel 352 will be made available to customers with subscription to TWC Movie Pass where not already carried. On or after December 13, 2012, Fox Deportes HD will be made available on channel 380 to customers with subscription to the Variety Tier and Espanol Tier. On or after December 13, 2012, Fox Movie Channel HD will be made available on channel 351 to customers with subscription to Variety Tier and TWC Movie Pass. On or after December 13, 2012, HSN HD will be made available on channel 489 to customers with subscription to Broadcast Basic. On or after December 13, 2012, Hub HD will be made available on channel 339 to customers with subscription to Variety Tier, El Paquetazo and Family Choice. On or after December 13, 2012, MeTV will be made available on channel 137 to customers with subscription to Variety Tier where not already carried. On or after December 13, 2012, MLB Network Strike Zone HD will be made available to customers with subscription to TWC Sports Pass where not already carried. On or after December 13, 2012, Nat Geo WILD HD will be made available on channel 342 to customers with subscription to Variety Tier and El Paquetazo. On or after December 13, 2012, Sundance Channel HD will be made available on channel 350 to customers with subscription to TWC Movie Pass. On or after December 13, 2012, Tennis Channel HD will be made available on channel 473 to customers with subscription to TWC Sports Pass. On or after December 13, 2012, TV Japan HD will be made available on channel 606 to customers with subscription to TV Japan. On or after December 17, 2012, BBC America13000

Additional Information

Posted: 1 week, 4 days, 19 hours ago
Category: Public Notice

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2012, a true and correct copy of the Emergency Petition for Declaratory Ruling and Enforcement Order and for Injunctive Relief, filed by Ovation LLC, was served by hand delivery to the following:

Steven Teplitz
Time Warner Cable
901 F Street, N.W.
Suite 800
Washington, DC 20004



Raymond Lee