

Federal Communications Commission
Washington, DC 20554

FCC 13M-12
09675

In the Matter of)	MB Docket No. 12-122
)	
Game Show Network, LLC,)	File No. CSR-8529-P
Complainant,)	
)	
v.)	
)	
Cablevision Systems Corp.)	
Defendant)	
)	
Program Carriage Complaint)	

ORDER

Issued: June 25, 2013

Released: June 25, 2013

In *Order*, FCC 13M-7, the Presiding Judge rescheduled the Hearing in this proceeding from April 2, 2013 to July 16, 2013 so that “the participants may consider further discovery and possibly benefit from the guidance of [a Panel of the United States Court of Appeals for the District of Columbia] should it release its decision on *Comcast Cable Comm. v. FCC*¹ before then.”² This opportunity was realized on May 28, 2013 when the Panel released its opinion in the aforementioned case.

On June 7, 2013, after reviewing the Panel’s decision, Game Show Network, LLC (“GSN”) and Cablevision Systems Corporation (“Cablevision”) submitted a Joint Motion for Continuance of Hearing. The Motion requests that the Hearing scheduled for July 16, 2013 be continued and that the parties instead be ordered to submit a status report on September 3, 2013. GSN and Cablevision assert that a continuance would provide them with an opportunity to “consider the potential impact of an opinion of [the Panel] in *Comcast Cable Comm. v. FCC* . . . and whether the questions addressed in that case may impact the manner in which this case is tried.”³ Counsel represent that the Enforcement Bureau has no objection to the requested continuance.

GSN and Cablevision’s request for continuance is persuasive. Their justifications for the request fall squarely in line with the reason for rescheduling the April Hearing—the need to create a complete record, informed by the most recent legal developments. It is unlikely that this

¹ *Comcast Cable Comm. v. FCC*, No. 12-1337 (D.C. Cir. filed August 1, 2012).

² *Order*, FCC 13M-7 (March 26, 2013) (footnote added).

³ Joint Motion for Continuance of Hearing at 1-2 ¶ 4.

can be completed in the three weeks leading up to the July 16 Hearing date. However, the Presiding Judge must balance this goal with his responsibility to move the case forward in a timely manner. The justifications for the request provided by GSN and Cablevision are vague at this time and limit management of the case. This new opinion may possibly cause a party to modify arguments presented in their trial briefs, acquire limited supplemental testimony from expert witnesses, or even develop an entirely new theory of the case. Such tasks take time to complete. However, without periodic reports, the Presiding Judge cannot ensure that the parties are making progress on their trial preparations. For that reason, GSN and Cablevision will be required to submit monthly status reports, jointly if possible, that describe the tasks currently being taken on to prepare for hearing and estimates as to the amount of time it would take to complete those tasks.

Without Bureau objection, GSN and Cablevision have requested the Hearing to be held in indefinite abeyance. This relief will be granted, so it will be necessary that deadlines for issuing an initial decision imposed by the current rules on the authority of administrative law judges be tolled.⁴

Ordering Clauses

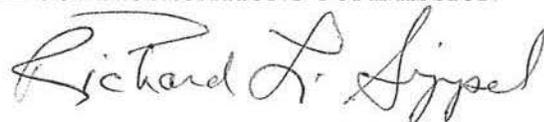
For the reasons stated above, **IT IS ORDERED** that the Hearing scheduled for July 16, 2013, **IS CANCELLED *sine die***.

IT IS FURTHER ORDERED that Game Show Network, LLC and Cablevision Systems Corporation **SHALL** submit status reports, jointly if possible, containing the above-described content **by 12 noon on July 1, 2013, July 31, 2013, and September 3, 2013.**

IT IS FURTHER ORDERED that the Enforcement Bureau **IS REQUESTED** to submit Comments on Status Reports **on or before September 10, 2013.**

IT IS FURTHER ORDERED that the deadline for release of an Initial Decision set by Section 0.341(f)(1) of the Commission's rules **IS TOLLED** in accordance with Section 0.341(f)(2)(i).

FEDERAL COMMUNICATIONS COMMISSION⁵



Richard L. Sippel
Chief Administrative Law Judge

⁴ See 47 C.F.R. § 0.341(f)(1). The presiding administrative law judge may toll the deadline for the release of an initial decision in a program carriage case “[i]f the complainant and defendant jointly request that the [judge] toll these deadlines . . . for any . . . reason that the complainant and defendant mutually agree justifies tolling.” 47 C.F.R. § 0.341(f)(2)(i).

⁵ Courtesy copies of this *Order* will be forwarded on issuance to counsel on the e-mail service list.