



Federal Communications Commission  
Washington, D.C. 20554

September 17, 2014

DA 14-1350

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In re: Emergency Petition for Injunction and Sanctions  
MB Docket No. 12-212, CSR-8690-C

Dear Ms. Ryder and Messrs. Brill, Murchison, and Harrison:

By this letter, we dismiss the Petition initiating the above-referenced proceeding and terminate the proceeding.

On July 13, 2012, Nexstar Broadcasting, Inc. ("Nexstar"), licensee of television stations WBRE-TV, WTWO, and WROC-TV (the "Stations"), filed a Petition asking the Commission to direct Time Warner Cable Inc. ("TWC") and Bright House Networks, LLC ("Bright House") to cease carrying the Stations in certain areas.<sup>1</sup> Nexstar alleged that TWC and Bright House carried the

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<sup>1</sup> Emergency Petition for Injunction and Sanctions, MB Docket No. 12-212, filed Jul. 13, 2012 (the "Petition"). The parties subsequently exchanged responsive pleadings. *See* Opposition of Time Warner Cable and Bright House Networks to Petition for Injunction and Sanctions, MB Docket No. 12-212, filed Aug. 16, 2012 ("TWC/Bright House Opposition"); Reply of Nexstar Broadcasting, Inc. to the Opposition of Time Warner Cable and Bright House

Stations outside of their local markets as a replacement for stations with the same network affiliations that TWC and Bright House deleted during a retransmission consent dispute with a third party.<sup>2</sup> TWC and Bright House responded that their importation of the distant signals did not violate any FCC rule and was authorized under the parties' retransmission consent agreement.<sup>3</sup> In addition to their response on the merits of the Petition, TWC and Bright House stated that the requested relief is "now moot, as Respondents have reached a new retransmission consent agreement with the local stations and have ceased importation of Nexstar's signals."<sup>4</sup> While Nexstar acknowledges that injunctive remedies are no longer necessary, it still asks the Commission to issue a ruling that TWC must comply with the Commission's notice requirements.<sup>5</sup> The Commission's rules require a cable operator to "provide written notice to any broadcast television station at least 30 days prior to either deleting from carriage or repositioning that station," and the cable operator also must provide such notice to the cable system's subscribers.<sup>6</sup> In addition, a cable operator must notify subscribers of "any changes in rates, programming services or channel positions as soon as possible in writing," with at least 30 days advance notice if the change is within the cable operator's control.<sup>7</sup>

All parties agree that TWC no longer carries the Stations in the markets at issue. Accordingly, the requested grant of injunctive relief is now moot. In addition, we exercise our discretion to decline to consider sanctions, and to decline to consider application of the notice requirements to this adjudicatory proceeding.<sup>8</sup>

Accordingly, IT IS ORDERED that the Petition in the above-referenced proceeding IS DISMISSED WITH PREJUDICE and that the above-referenced proceeding IS TERMINATED.

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Networks to Emergency Petition for Injunction and Sanctions, MB Docket No. 12-212, filed Aug. 29, 2012 ("Nexstar Reply").

<sup>2</sup> See Petition at 3-4.

<sup>3</sup> See TWC Opposition at 2.

<sup>4</sup> *Id.*

<sup>5</sup> Nexstar Reply at 6-7.

<sup>6</sup> 47 C.F.R. § 76.1601.

<sup>7</sup> *Id.* § 76.1603(b).

<sup>8</sup> See 47 C.F.R. § 1.2(a) ("The Commission *may*, in accordance with section 5(d) of the Administrative Procedure Act, on motion or on its own motion issue a declaratory ruling terminating a controversy or removing uncertainty.") (emphasis added); *ACC Licensee, Inc. v. Shentel Telecommunications Company*, Memorandum Opinion and Order, MB Docket No. 12-5, 27 FCC Rcd 7584, 7591, ¶ 18 (MB, 2012) (declining to address alleged notice violations, noting the Commission's discretion not to enforce the notice requirements in all instances).

This action is taken under delegated authority pursuant to Section 0.283 of the Commission's rules.<sup>9</sup>

Sincerely,

Steven A. Broeckaert  
Senior Deputy Chief, Policy Division  
Media Bureau

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<sup>9</sup> 47 C.F.R. § 0.283.