

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

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

ORDER

Adopted: December 21, 2016

Released: December 21, 2016

By the Associate General Counsel, Administrative Law Division:

1. Pending before the Commission is a Motion for Extension of Time (Motion) filed by Game Show Network, LLC (GSN) on December 19, 2016. GSN requests an extension of time for the period for replying to any exceptions to Chief Administrative Law Judge Sippel’s initial decision in this proceeding.1 GSN has conferred with Cablevision Systems Corporation (Cablevision), which does not oppose this request provided that (1) a similar extension is granted with respect to the filing of exceptions and (2) an extension is granted with respect to Cablevision’s response to GSN’s Petition to Compel Compliance2 so that Cablevision’s submissions are due on the same schedule.3

2. GSN seeks a 10-day extension of the time in which it may file replies to exceptions (from January 3, 2017 to January 13, 2017).4 GSN states that the December 23, 2016 to January 3, 2017 time period coincides with pre-existing travel and other commitments, including those related to the holidays. GSN requests the extension to accommodate these scheduling difficulties that would otherwise arise due to the holidays. Consistent with an Order granting a request for a page-limit extension for exceptions in this proceeding, GSN states that a limited extension will ensure that the parties are able to provide the Commission with complete and comprehensive submissions in relation to a large record that addresses a number of complex factual and legal questions related to carriage of video programming.5 GSN submits

1 Game Show Network, LLC v. Cablevision Sys. Corp., MB Docket No. 12-122; File No. CSR-8529-P, Initial Decision, 16D-1 (Nov. 23, 2016) (Initial Decision).

2 Game Show Network, LLC, Petition of Game Show Network, LLC to Compel Cablevision’s Compliance with Initial Decision, Game Show Network, LLC v. Cablevision Sys. Corp., MB Docket No. 12-122, File No. CSR-8529-P (Dec. 8, 2016) (Petition to Compel).

3 Motion at 1. GSN and Cablevision have conferred with the Enforcement Bureau, and GSN represents that the Enforcement Bureau does not oppose this request. See id.

4 Motion at 2.

5 Id. (citing Game Show Network, LLC v. Cablevision Sys. Corp., Order, MB Docket No. 12-122; File No. CSR-8529-P, DA 16-1393, at 2 (OGC rel. Dec. 15, 2016) (Order)).

that the short extension requested in the motion would address those scheduling difficulties without creating a significant delay in the completion of the relevant pleading cycles.⁶

3. GSN attaches a proposed revision of the schedule for filing pleadings that would have both the exceptions pleadings and the pleadings related to the Petition to Compel falling on the same dates rather than on staggered dates.⁷ Exceptions to the Initial Decision and any opposition to the Petition to Compel would be due January 3, 2017. Reply briefs to exceptions and any replies to opposition to the Petition to Compel would be due January 13, 2017. GSN has conferred with the other parties and represents that Cablevision and the Enforcement Bureau do not object to the grant of GSN's request.⁸

4. While it is the Commission's policy that extensions of time are not routinely granted,⁹ GSN's request is supported by good cause, including the complexity and interrelated nature of the issues, and the fact that there are overlapping pleading cycles involving the same parties.¹⁰ Because of due dates for exceptions to the Initial Decision and responsive pleadings, and responsive pleadings on the Motion to Compel, the current schedule calls for a variety of filings on related issues on staggered dates between now and January 3, during holidays when at least some parties have pre-existing travel. Consolidating these filing dates to just two dates after the holidays will significantly simplify the schedule and alleviate scheduling conflicts. Additional time will also afford parties a better opportunity to address the large record and complex factual and legal questions in this proceeding without creating undue delay, as the proposed schedule only extends the end of the pleading cycle on exceptions by 10 days (from January 3, 2017 to January 13, 2017). Additionally, all parties to the hearing appear to consent to the proposed revised schedule for filing pleadings.

5. ACCORDINGLY, IT IS ORDERED that pursuant to the authority set forth in 47 C.F.R. § 0.251(b)(1), GSN's Motion for Extension of Time IS GRANTED, and parties ARE AUTHORIZED to file pleadings on the following schedule: Exceptions to Initial Decision due and Opposition to Petition to Compel due January 3, 2017; Reply Briefs to Exceptions due and Reply to Opposition to Petition To Compel due January 13, 2017.

FEDERAL COMMUNICATIONS COMMISSION

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⁶ *Id.*

⁷ *See id.* at 4. We note that, pursuant to 47 C.F.R. § 1.45(b), Cablevision's opposition to the Petition to Compel was due December 19, 2016, and Cablevision has not requested an extension. Given that no party objects to permitting Cablevision to file such pleading according to the proposed new schedule, we grant an extension on our own motion in conjunction with action on the proposed filing schedule.

⁸ *Id.* at 2.

⁹ 47 C.F.R. § 1.46(a); *see also* 47 C.F.R. § 1.276(a)(1) ("It is the Commission's policy that extensions of time for filing exceptions shall not be routinely granted."). Exceptions to the Initial Decision are due December 23, 2016. *See* 47 C.F.R. § 1.276(a)(1). Within 10 days, or such other time as the Commission or delegated authority may specify, after the time for filing exceptions has expired, any other party may file a reply brief. 47 C.F.R. § 1.277(c). Therefore, absent an extension, reply briefs to any exceptions would be due January 3, 2017.

¹⁰ As GSN notes, we recently granted a Motion to Extend Page Limits based on the size of the record and complexity of the issues in this proceeding. *See* Motion at 2; Order at 2.