

Federal Communications Commission

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

In the Matter of)	
)	
Herring Broadcasting, Inc. d/b/a WealthTV,)	MB Docket No. 08-214
Complainant)	File No. CSR-7709-P
v.)	
Time Warner Cable Inc.)	
Defendant)	
)	
Herring Broadcasting, Inc. d/b/a WealthTV,)	File No. CSR-7822-P
Complainant)	
v.)	
Bright House Networks, LLC,)	
Defendant)	
)	
Herring Broadcasting, Inc. d/b/a WealthTV,)	File No. CSR-7829-P
Complainant)	
v.)	
Cox Communications, Inc.,)	
Defendant)	
)	
Herring Broadcasting, Inc. d/b/a WealthTV,)	File No. CSR-7907-P
Complainant)	
v.)	
Comcast Corporation,)	
Defendant)	
)	
NFL Enterprises LLC,)	File No. CSR-7876-P
Complainant)	
v.)	
Comcast Cable Communications, LLC,)	
Defendant)	
)	
TCR Sports Broadcasting Holding, L.L.P.,)	File No. CSR-8001-P
d/b/a Mid-Atlantic Sports Network,)	
Complainant)	
v.)	
Comcast Corporation,)	
Defendant)	

ERRATUM

Adopted: October 15, 2008

Released: October 15, 2008

By the Chief, Media Bureau:

1. On October 10, 2008, the Bureau released a *Memorandum Opinion and Hearing Designation Order* (DA 08-2269) in the above-captioned proceedings. This *Erratum* corrects that document as indicated herein.

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2. Insert into the caption the following docket number: MB Docket No. 08-214.

3. In the first sentence of paragraph 59, and the third sentence of paragraph 79, the term “MASN” should be amended to read “the NFL.”

4. In the first sentence of paragraph 121, the reference to “Section 76.1302(c)” of the Commission’s rules should be amended to read “Section 76.1301(c)” and the reference to “Section 76.1302(a)” of the Commission’s rules should be amended to read “Section 76.1301(a).”

5. Revise paragraph 122 to read as follows:

122. Accordingly, **IT IS ORDERED**, that Herring Broadcasting, Inc. d/b/a/ WealthTV’s Complaint against Time Warner Cable Inc. is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant’s programming in favor of its own programming, with the effect of unreasonably restraining the complainant’s ability to compete fairly in violation of Section 76.1301(c);

(b) if the Administrative Law Judge determines that the defendant has discriminated against the complainant’s programming in violation of Section 76.1301(c), the appropriate price, terms and conditions on which the complainant’s programming should be carried on defendant’s systems and such other remedies as the Administrative Law Judge recommends.

6. Revise paragraph 126 to read as follows:

126. Accordingly, **IT IS ORDERED**, that Herring Broadcasting, Inc. d/b/a/ WealthTV’s Complaint against Bright House Networks, LLC is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant’s programming in favor of its own programming, with the effect of unreasonably restraining the complainant’s ability to compete fairly in violation of Section 76.1301(c);

(b) if the Administrative Law Judge determines that the defendant has discriminated against the complainant’s programming in violation of Section 76.1301(c), the appropriate price, terms and conditions on which the complainant’s programming should be carried in defendant’s systems and such other remedies as the Administrative Law Judge recommends.

7. Revise paragraph 130 to read as follows:

130. Accordingly, **IT IS ORDERED**, that Herring Broadcasting, Inc. d/b/a/ WealthTV’s Complaint against Cox Communications, Inc. is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant’s programming in favor of its own programming, with the effect of unreasonably restraining the complainant’s ability to compete fairly in violation of Section 76.1301(c);

(b) if the Administrative Law Judge determines that the defendant has discriminated against the complainant’s programming in violation of Section 76.1301(c), the appropriate price, terms and conditions on which the complainant’s programming should be carried on defendant’s systems and such other remedies as the Administrative Law Judge recommends.

8. Revise paragraph 134 to read as follows:

134. Accordingly, **IT IS ORDERED**, that Herring Broadcasting, Inc. d/b/a/ WealthTV's Complaint against Comcast Corporation is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant's programming in favor of its own programming, with the effect of unreasonably restraining the complainant's ability to compete fairly in violation of Section 76.1301(c);

(b) if the Administrative Law Judge determines that the defendant has discriminated against the complainant's programming in violation of Section 76.1301(c), the appropriate price, terms and conditions on which the complainant's programming should be carried on defendant's systems and such other remedies as the Administrative Law Judge recommends.

9. Revise paragraph 138 to read as follows:

138. Accordingly, **IT IS ORDERED**, that NFL Enterprises LLC's Complaint against Comcast Corporation is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant's programming in favor of its own programming, with the effect of unreasonably restraining the complainant's ability to compete fairly in violation of Section 76.1301(c);

(b) whether the defendant has demanded a financial interest in the complainant's programming in exchange for carriage in violation of Section 76.1301(a);

(c) if the Administrative Law Judge determines that the defendant has discriminated against the complainant's programming in violation of Section 76.1301(c) or demanded a financial interest in the complainant's programming in exchange for carriage in violation of Section 76.1301(a), the appropriate price, terms and conditions on which the complainant's programming should be carried on defendant's systems and such other remedies as the Administrative Law Judge recommends.

10. Revise paragraph 142 to read as follows:

142. Accordingly, **IT IS ORDERED**, that TCR Sports Broadcasting Holding, L.L.P., d/b/a Mid-Atlantic Sports Network's Complaint against Comcast Corporation is **DESIGNATED FOR HEARING** at a date and place to be specified in a subsequent order by an Administrative Law Judge for a recommended determination of the following issues:

(a) whether the defendant has discriminated against the complainant's programming in favor of its own programming, with the effect of unreasonably restraining the complainant's ability to compete fairly in violation of Section 76.1301(c);

(b) if the Administrative Law Judge determines that the defendant has discriminated against the complainant's programming in violation of Section 76.1301(c), the appropriate price, terms and conditions on which the complainant's programming should be carried on defendant's systems and such other remedies as the Administrative Law Judge recommends.

11. After paragraph 145, inserting the following Section G.:

G. General Ordering Clauses

146. **IT IS FURTHER ORDERED** that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), in order to avail itself of the opportunity to be heard, each party

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to an above-captioned proceeding, in person or by its attorney, **SHALL FILE** with the Commission, by October 17, 2008, a written appearance stating that the party will appear on the date fixed for hearing and present evidence on the issues specified herein.¹

147. **IT IS FURTHER ORDERED** that, if any complainant in an above-captioned proceeding fails to file a written appearance by the deadline specified above, or has not filed prior to that deadline, a petition to accept, for good cause shown, a written appearance beyond the deadline, the Presiding Administrative Law Judge **SHALL DISMISS** the relevant above-captioned proceeding with prejudice for failure to prosecute.

148. **IT IS FURTHER ORDERED** that all parties to the above-captioned proceedings will be served with a copy of this Order and the Erratum thereto by e-mail and by certified mail, return receipt requested.

149. **IT IS FURTHER ORDERED** that the Chief, Enforcement Bureau, shall be made a party to each of the above-captioned proceedings without the need to file a written appearance and will determine the Enforcement Bureau's level of participation in the proceedings.

150. **IT IS FURTHER ORDERED** that a copy of this Hearing Designation Order and the Erratum thereto or a summary thereof **SHALL BE PUBLISHED** in the Federal Register.

12. This action is taken under authority delegated pursuant to Section 0.283 of the Commission's rules, 47 C.F.R. § 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

¹ In light of the deadline for a Recommended Decision contained in this Order, the deadline for written appearances set forth in 47 C.F.R. § 1.221 is waived and replaced with the deadline set forth above.