

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)	

ORDER

Adopted: January 27, 2009

Released: January 27, 2009

By the Commission:

1. On October 10, 2008, the Media Bureau issued a *Memorandum Opinion and Hearing Designation Order* (“*HDO*”) referring the above-captioned matters to an Administrative Law Judge for recommended decisions.¹ The Media Bureau has since issued *Orders* stating that the Administrative Law Judge’s delegated authority over these hearing matters expired under the terms of the *HDO*, providing that the Media Bureau will proceed to resolve these disputes without the benefit of recommended decisions from the Administrative Law Judge, and providing an abbreviated schedule for the parties to file additional and/or updated arguments and evidence responsive to certain questions and requests.²

2. On our own motion, we conclude that the factual determinations required to fairly adjudicate these matters are best resolved through hearings before an Administrative Law Judge, rather than solely through pleadings and exhibits as contemplated by the Media Bureau. Accordingly, we rescind in full the *December 24th Order*, the *December 31st Order* and the *January 16th Order*. As discussed above, we believe that these proceedings are best resolved by hearings before an Administrative Law Judge. Therefore, notwithstanding the Media Bureau’s previous determination that the presiding Administrative Law Judge’s delegated authority over these matters has expired, we hereby reinstate the presiding Administrative Law Judge’s delegated authority and direct him to proceed pursuant to the *HDO*. We instruct the presiding Administrative Law Judge to issue a Further Revised Procedural and Hearing Order that updates the schedule announced in the *December 15th ALJ Order*³ to account for any delays caused by the Bureau’s recent actions. Further, as instructed in the *HDO*, the presiding Administrative Law Judge shall issue recommended decisions and remedies, if any, to the Commission as expeditiously as possible, consistent with the mandates of fairness and due process.⁴

3. Accordingly, **IT IS ORDERED**, pursuant to Section 1.117 of the Commission’s rules, 47 C.F.R. § 1.117, that the *December 24th Order*, the *December 31st Order* and the *January 16th Order* **ARE HEREBY RESCINDED**.

4. **IT IS FURTHER ORDERED** that the presiding Administrative Law Judge will issue a Further Revised Procedural and Hearing Order and proceed expeditiously to issue recommended decisions and recommended remedies, if necessary, as discussed herein.

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

¹ *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, Memorandum Opinion and Hearing Designation Order, 23 FCC Rcd 14787, MB Docket 08-214 (rel. Oct. 10, 2008) (“*HDO*”).

² *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, Memorandum Opinion and Order, DA 08-2805, MB Docket 08-214 (rel. Dec. 24, 2008) (“*December 24th Order*”); *In the Matter of NFL Enterprises LLC*, Memorandum Opinion and Order, DA 08-2819, MB Docket 08-214 (rel. Dec. 31, 2008) (“*December 31st Order*”); *In the Matter of Herring Broadcasting Inc., d/b/a WealthTV, et al.*, Order, DA 09-55, MB Docket 08-214 (rel. Jan. 16, 2009) (“*January 16th Order*”).

³ *Herring Broadcasting, Inc. v. Time Warner Cable Inc. et al.*, Order, MB Docket No. 08-214, FCC 08M-50 (rel. Dec. 2, 2008); *Herring Broadcasting, Inc. v. Time Warner Cable Inc. et al.*, Revised Procedural and Hearing Order, MB Docket No. 08-214, FCC 08M-53 (rel. Dec. 15, 2008) (“*December 15th ALJ Order*”).

⁴ In light of our decision, the Emergency Application for Review and Emergency Motion for Stay, and related pleadings, regarding the *December 24th Order* and the *December 31st Order* are dismissed as moot. See Comcast Corporation, Emergency Application for Review, MB Docket No. 08-214 (Dec. 30, 2008); Comcast Corporation, Emergency Motion for Stay, MB Docket No. 08-214 (Dec. 30, 2008); Joinder of Time Warner Cable et al., MB Docket No. 08-214 (Dec. 31, 2008); Comcast Corporation, Supplement to Emergency Application for Review, MB Docket No. 08-214 (Jan. 2, 2009); Comcast Corporation, Supplement to Emergency Motion for Stay, MB Docket No. 08-214 (Jan. 2, 2009).

6. **IT IS FURTHER ORDERED** that a copy of this Order, or a summary thereof, **SHALL BE PUBLISHED** in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary