

January 4, 2011

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**ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte*, MB Docket No. 10-56**

Dear Ms. Dortch:

Please be advised that on this date, the attached letter was sent by this office on behalf Herring Broadcasting Company, Inc. d/b/a WealthTV to the offices of Chairman Genachowski, and Commissioners Baker, Clyburn, Copps and McDowell with regard to the above referenced proceeding.

Please direct any questions regarding this matter to the undersigned.

Respectfully,



Mark C. Ellison  
Counsel for Herring Broadcasting Company, Inc.

Attachment



January 4, 2011

Chairman Julius Genachowski  
Commissioner Michael Copps  
Commissioner Robert McDowell  
Commissioner Mignon Clyburn  
Commissioner Meredith Atwell Baker  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: Comcast/NBU Application Docket 10-56

Dear Mr. Chairman and Commissioners:

I write to you concerning the proposed acquisition by Comcast of a controlling interest in NBC Universal ("NBCU") and strongly urge the FCC to resolve all pending cases of carriage access discrimination against Comcast *BEFORE* any vote on the merger order takes place.

It is inappropriate for the Federal Communications Commission to make a ruling on Comcast's proposed acquisition of NBCU without addressing and resolving carriage access discrimination complaints that were filed *before* Comcast announced the proposed merger. The charges alleged by such complaints should be fully investigated, reviewed, and ruled upon before any conditional merger consideration. On May 2, 2007, WealthTV submitted a pre-filing notice to the FCC for carriage access discrimination by Comcast. On April 21, 2008, WealthTV filed its carriage access discrimination complaint against Comcast with the FCC. WealthTV's carriage access discrimination complaint against Comcast has been at the FCC for over two and a half years!

It should be noted that Comcast has repeatedly taken the position that it is not necessary to be concerned with potential carriage access abuses arising from the transaction because existing FCC procedures are in place. Yet Comcast and fellow big cable operators, in multiple carriage access complaint defenses, have repeatedly challenged the FCC's authority to enforce the existing carriage access discrimination rules arguing violation of their first amendment rights to editorial judgment. Needless to say, this circular self-serving rhetoric should be heavily weighed when considering meaningful merger conditions.



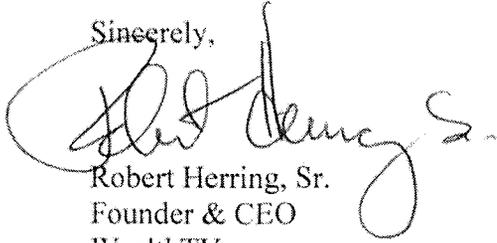
4757 Morena Blvd., San Diego, CA 92117 Ph: 858-270-6900 Fax 858-270-6901 [www.wealthtv.net](http://www.wealthtv.net)



Wealth - an abundance of good.

For the reasons cited above, I strongly urge the Federal Communications Commission to fully address all outstanding cases of carriage discrimination complaints *PRIOR* to voting on any proposed Comcast/NBCU merger order.

Sincerely,



Robert Herring, Sr.  
Founder & CEO  
WealthTV

