



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, S.W.  
WASHINGTON, D.C. 20554

DA 08-1574

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

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## TIME WARNER SEEKS FCC CONSENT TO ASSIGN OR TRANSFER CONTROL OF LICENSES AND AUTHORIZATIONS IN CONNECTION WITH TIME WARNER CABLE SEPARATION

MB Docket No. 08-120

### PLEADING CYCLE ESTABLISHED

**Petitions to Deny/Comments Due: July 31, 2008**  
**Oppositions/Reply Comments Due: August 15, 2008**

#### I. INTRODUCTION

Time Warner Incorporated (TWX) and its wholly owned subsidiaries collectively control Time Warner Cable (TWC). TWX will conduct an internal restructuring, followed by a spin-off or split-off of TWC into a separate publicly traded corporation. In connection with this transaction, Time Warner has filed a series of applications pursuant to Section 310(d) of the Communications Act, as amended.<sup>1</sup> In these applications, Time Warner seeks Commission approval of the transfer of control of licenses and authorizations held by Time Warner Incorporated and its subsidiaries to Time Warner Cable.<sup>2</sup>

Under the proposed Separation Transaction, all of Time Warner's current Commission-authorized licenses related to its cable business will be ultimately controlled by the public shareholders of TWC, rather than TWX. As an initial matter, shares in TWC will be distributed to the shareholders of TWX through either a spin-off or split-off transaction. If a spin-off is elected, TWX will distribute to all of its shareholders a *pro rata* number of shares of TWC. If a split-off is elected, TWX will offer its shareholders the opportunity to exchange their shares of TWX stock for a specified number of shares of TWC stock. Following the split-off, any shares of TWC not distributed pursuant to the exchange would be distributed on a *pro rata* basis to all TWX shareholders. The transaction is described in detail in the Description of the Transaction filed with the Commission and in the Separation Agreement filed with the Securities and Exchange Commission.<sup>3</sup>

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<sup>1</sup> 47 U.S.C. § 310(d).

<sup>2</sup> See Description of the Transaction, File No. CAR-20080701AA-09 Exhibit B-2.

<sup>3</sup> Available at <http://www.sec.gov/Archives/edgar/data/1105705/000095014408004413/g13642exv99w1.htm>.

These assignment and transfer of control applications pertain specifically to Cable Television Relay Service (“CARS”) licenses issued under Part 78 of the Commission’s Rules, Ku-band transmit earth station licenses issued under Part 25 of the Commission’s Rules, land mobile radio licenses issued under Part 90 of the Commission’s Rules, and point-to-point microwave licenses issued under Part 101 of the Commission’s Rules. See Appendix for a complete list of licenses.

## II. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission’s rules,<sup>4</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission’s rules.<sup>5</sup>

Parties making oral *ex parte* presentations are directed to the Commission’s statement reemphasizing the public’s responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation’s substance and not merely list the subjects discussed.<sup>6</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>7</sup> Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.<sup>8</sup> We urge parties to use the Electronic Comment Filing System (“ECFS”) to file *ex parte* submissions.<sup>9</sup>

## III. GENERAL INFORMATION

The transfer of control applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission’s rules or policies. Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.<sup>10</sup>

Interested parties must file petitions to deny or comments no later than July 31, 2008. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings and reply comments must be filed no later than August 15, 2008. All filings concerning matters referenced in this Public Notice should refer to DA 08-1574 and MB Docket No. 08-120, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

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<sup>4</sup> 47 C.F.R. § 1.1200(a).

<sup>5</sup> *Id.* § 1.1206.

<sup>6</sup> See Commission Emphasizes the Public’s Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

<sup>7</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>8</sup> *Id.* § 1.1206(b).

<sup>9</sup> See discussion *infra* Part III.

<sup>10</sup> See 47 U.S.C. § 309(b).

Under the Commission's current procedures for the submission of filings and other documents,<sup>11</sup> submissions in this matter may be filed electronically (*i.e.*, though ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**<sup>12</sup> comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM) or (202) 488-5563 (facsimile); (2) Gloria Conway, Media Bureau, at [gloria.conway@fcc.gov](mailto:gloria.conway@fcc.gov) or (202) 418-1189 (facsimile) (3) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at [kathy.harris@fcc.gov](mailto:kathy.harris@fcc.gov) or (202) 418-7224 (facsimile); (4) Jim Bird, Office of General Counsel, at [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov) or (202) 418-2822 (facsimile); (5) Mania Baghdadi, Media Bureau, at [mania.baghdadi@fcc.gov](mailto:mania.baghdadi@fcc.gov) or (202) 418-2053 (facsimile); (6) Steven Spaeth, International Bureau, at [steven.spaeth@fcc.gov](mailto:steven.spaeth@fcc.gov) or (202) 418-0175 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM). The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC

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<sup>11</sup> See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd 21483 (2001); see also FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd 16705 (2003).

<sup>12</sup> See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Wayne McKee or Alison Neplokh, Engineering Division, Media Bureau, at (202) 418-2355 or (202) 418-1083, respectively, or Mania Baghdadi, Industry Analysis Division, Media Bureau at (202) 418-7200.

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## APPENDIX

The following applications for consent to the assignment or transfer of control of licenses have been assigned the file numbers listed below.

### CARS Licenses

<u>File No.</u>	<u>Licensee</u>	<u>Call Sign</u>
20080701AA-09	NY1 News	KD-55028
20080701AB-09	Time Warner Entertainment Co. LP	WAE-470
20080701AC-09	Time Warner Entertainment Co. LP	WAE-478
20080701AD-09	Sun Cablevision	WAV-644
20080701AE-09	Time Warner Entertainment Co. LP	WAX-743
20080701AF-09	Time Warner Entertainment Co. LP	WBK-510
20080701AG-09	Time Warner Entertainment Co. LP	WBM-742
20080701AH-09	Time Warner Entertainment Co. LP	WBM-744
20080701AI-09	Time Warner Entertainment Co. LP	WHZ-728
20080701AJ-09	Time Warner Entertainment Co. LP	WLY-376
20080701AK-09	Time Warner Entertainment Co. LP	WLY-402
20080701AL-09	Oceanic Cablevision	WLY-415
20080701AM-09	Time Warner Entertainment Co. LP	WLY-678
20080701AN-09	Oceanic Cablevision	WLY-683
20080701AO-09	Oceanic Cablevision	WLY-684
20080701AP-09	Time Warner Entertainment Co. LP	WLY-685
20080701AQ-09	Time Warner Entertainment Co. LP	WLY-713
20080701AR-09	Time Warner NY Cable, LLC	KB-60101
20080701AS-09	Time Warner NY Cable, LLC	KD-55007
20080701AT-09	Time Warner NY Cable, LLC	WAD-611
20080701AU-09	Time Warner NY Cable, LLC	WAD-626
20080701AV-09	Pullman TV Cable Co., Inc., Debtor-in-Possession	WAE-605
20080701AW-09	Pullman TV Cable Co., Inc., Debtor-in-Possession	WAE-606
20080701AX-09	Yuma Vablevision, Inc., Debtor-in-Possession	WAJ-458
20080701AY-09	Time Warner NY Cable, LLC	WLY-609
20080701AZ-09	Time Warner NY Cable, LLC	WAX-28
20080701BA-09	Highland Carlsbad Operating Subsidiary, Inc.	WGV-957
20080701BB-09	Kootenai Cable, Inc., Debtor-in-Possession	WGZ-269
20080701BC-09	Time Warner NY Cable, LLC	WGZ-335
20080701BD-09	Frontiervision Operating Partners, L.P., Debtor-in-Possession	WGZ-433
20080701BE-09	Time Warner NY Cable, LLC	WGZ-434
20080701BF-09	Southwest Colorado Cable, In.c, Debtor-in-Possession	WHZ-293
20080701BG-09	Southwest Colorado Cable, In.c, Debtor-in-Possession	WHZ-301
20080701BH-09	Frontiervision Operating Partners, L.P., Debtor-in-Possession	WHZ-446
20080701BI-09	Time Warner NY Cable, LLC	WHZ-765
20080701BJ-09	Century-TCI California, L.P., Debtor-in-Possession	WLY-269
20080701BK-09	Time Warner NY Cable, LLC	WLY-627
20080701BL-09	Time Warner NY Cable, LLC	WLY-662
20080701BM-09	Time Warner NY Cable, LLC	WLY-807
20080701BN-09	Time Warner NY Cable, LLC	WLY-809
20080701BO-09	Time Warner NY Cable, LLC	WLY-852
20080701BP-09	Time Warner NY Cable, LLC	WSJ-903

<u>File No.</u>	<u>Licensee</u>	<u>Call Sign</u>
20080701BQ-09	Time Warner Cable LLC	WGZ-435
20080701BR-09	Time Warner Cable of Southeaster Wisconsin, LP	WLY-745
20080701BS-09	Time Warner Entertainment - Advance/Newhouse Partnership	KB-60127
20080701BT-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55003
20080701BU-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55017
20080701BV-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55024
20080701BW-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55026
20080701BX-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55027
20080701BY-09	Time Warner Entertainment - Advance/Newhouse Partnership	KD-55031
20080701BZ-09	Time Warner Entertainment - Advance/Newhouse Partnership	KYX-61
20080701CA-09	Time Warner Entertainment - Advance/Newhouse Partnership	KYX62
20080701CB-09	Time Warner Entertainment - Advance/Newhouse Partnership	WAF-861
20080701CC-09	Time Warner Entertainment - Advance/Newhouse Partnership	WBF-574
20080701CD-09	Time Warner Entertainment - Advance/Newhouse Partnership	WGI-757
20080701CE-09	Time Warner Entertainment - Advance/Newhouse Partnership	WGZ-450
20080701CF-09	Time Warner Entertainment - Advance/Newhouse Partnership	WGZ-452
20080701CG-09	Time Warner Entertainment - Advance/Newhouse Partnership	WGZ-464
20080701CH-09	Time Warner Entertainment - Advance/Newhouse Partnership	WHZ-339
20080701CI-09	Time Warner Entertainment - Advance/Newhouse Partnership	WHZ-548
20080701CJ-09	Time Warner Entertainment - Advance/Newhouse Partnership	WHZ-780
20080701CK-09	Time Warner Entertainment - Advance/Newhouse Partnership	WJI-36
20080701CL-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-235
20080701CM-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-306
20080701CN-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-449
20080701CO-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-451
20080701CP-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-786
20080701CQ-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-787
20080701CR-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-788
20080701CS-09	Time Warner Entertainment - Advance/Newhouse Partnership	WLY-843
20080701CT-09	Time Warner Entertainment - Advance/Newhouse Partnership	WGZ-451
20080701CU-08	CAC Exchange I LLC	WHZ-879
20080701CV-08	CAC Exchange I LLC	WHZ-880
20080701CW-08	CAC Exchange I LLC	WHZ-886
20080701CX-08	C-Native Exchange I, LLC	WLY-893
20080701CY-08	C-Native Exchange III, LLC	KA-80623
20080701CZ-08	C-Native Exchange III, LLC	WGV-990
20080701DA-08	C-Native Exchange III, LLC	WHZ-677
20080701DB-08	C-Native Exchange III, LLC	WLY-812
20080701DC-08	C-Native Exchange III, LLC	WLY-815
20080701DD-08	C-Native Exchange III, LLC	WLY-816
20080701DE-08	C-Native Exchange III, LLC	WLY-817
20080701DG-08	KCCP Trust	KD-55034
20080701DF-08	Staten Island Cable, LLC	WHZ-455

## Earth Station Licenses

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
SES-ASG-20080661-00781	KCCP Trust dba Time Warner Cable	E040257
SES-T/C-20080616-00782	Time Warner Entertainment Company, L.P.	E010308
SES-T/C-20080616-00783	Time Warner Entertainment-Advance/	E030142
SES-T/C-20080611-00756	Home Box Office, Inc.	E930422

## Land Mobile and Point-to-Point Microwave Licenses

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0003467890	Time Warner Cable LLC	KBE579
0003467964	Time Warner Cable of Maine, L.P.	WPMF361
0003468012	Time Warner Entertainment Co., L.P.	KCG802
0003468103	Warner Bros. Studios Facilities, a division of WB Studio Enterprises Inc.	KC7450
0003468173	Warner Bros. Studios Facilities, a division of WB Studio Enterprises Inc.	WQCE400
0003468183	Home Box Office, Inc.	KB51583
0003468228	TWFanch-one Co.	WPYX606
0003468235	Time Warner Cable of Southeastern Wisconsin, L.P.	WQGH689
0003468245	Time Warner NY Cable LLC	KBL655
0003468319	Time Warner Entertainment - Advance/Newhouse Partnership	KEU343
0003468351	Erie Telecommunications, Inc.	KNCA620
0003469667	CAP Exchange I, LLC	KFM729
0003469675	CAT Holdings, LLC	KRU795
0003469680	C-Native Exchange I, LLC	WSU819
0003469684	C-Native Exchange III, L.P.	WNYE223
0003469688	Staten Island Cable, LLC	WPOB447
0003469693	Warner Bros. Studios Facilities, a division of WB Studio Enterprises Inc.	WPSE434
0003469796	Time Warner Entertainment Company, LP	WNWE827