

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
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FOR THE DISTRICT OF COLUMBIA CIRCUIT

C-SPAN, DISCOVERY
COMMUNICATIONS, LLC,
THE WEATHER CHANNEL, INC., TV
ONE, A&E TELEVISION NETWORKS,
AND SCRIPPS NETWORKS, INC.

No. 08 1045

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED STATES OF
AMERICA,

Respondents.

PETITION FOR REVIEW

Pursuant to 47 U.S.C. § 402(a), 28 U.S.C. §§ 2342 and 2344, and Rule 15(a) of the Federal Rules of Appellate Procedure, Petitioners C-SPAN, Discovery Communications, LLC, The Weather Channel, Inc., TV One, A&E Television Networks, and Scripps Networks, Inc. hereby petition this Court for review of that rulemaking order of the Federal Communications Commission ("FCC") known as *Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules*, Third Report and Order and Third Further Notice of Proposed Rulemaking, FCC 07-170, CS Docket No. 98-120 (rel. Nov. 30, 2007) ("*Order*"). Venue is appropriate in this Court pursuant to 28 U.S.C. § 2343.

A copy of the *Order*, a summary of which was published in the Federal Register on February 1, 2008, 73 Fed. Reg. 6043, is attached to this Petition.

Petitioners seek review of the *Order, inter alia*, because it imposes an unlawful burden on speech under the First Amendment to the United States Constitution, and because it is arbitrary, capricious, an abuse of discretion, or otherwise contrary to law under the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, and the Communications Act of 1934, 47 U.S.C. §§ 151 *et seq.* Petitioners request that this Court hold unlawful, vacate, enjoin, and set aside the *Order* and provide such other relief as justice requires.

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Respectfully submitted,



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February 4, 2008

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No. 08-1045

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure Rule 26.1 and D.C. Circuit Rule 26.1, Petitioners state as follows:

National Cable Satellite Corporation d/b/a C-SPAN is a private, non-profit company, created in 1979 by the cable television industry as a public service. C-SPAN receives no government funding; operations are funded by fees paid by cable and satellite affiliates who carry C-SPAN programming. C-SPAN is a non-profit educational organization with a board of directors comprised of executives from large and small cable television operating companies.

Discovery Communications, LLC (“Discovery”) is a leading global media and entertainment company that provides original and purchased cable and satellite television programming across multiple platforms in the United States and over 170 other countries. Discovery's worldwide networks are led by Discovery Channel, TLC, Animal Planet,

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Science Channel, Discovery Health, and HD Theater. Discovery also develops and sells consumer and educational products and services in the United States and around the world, and operates a diversified portfolio of website properties and other digital services. Discovery Communications, LLC is wholly-owned by Discovery Communications Holding, LLC. Discovery Communications Holding, LLC is privately held by LMC Discovery, Inc. and Advance/Newhouse Programming Partnership.

The Weather Channel, Inc. is focused primarily on providing branded weather information to cable, satellite, and other multichannel video service providers. It owns and operates The Weather Channel, The Weather Channel HD, Weatherscan (a local 24x7 weather cable network), The Weather Channel Radio Network, The Weather Channel Newspaper Services and additional VOD and interactive TV products. The Weather Channel is privately owned by Landmark Communication, Inc.

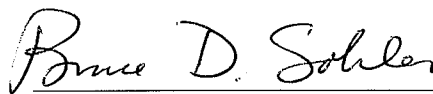
TV One is a new cable/satellite television network providing programming primarily to African American adults. TV One is a venture of Radio One, Inc., the largest radio broadcaster primarily targeting African American and urban listeners, and Comcast Corporation, the largest cable operator in the country, along with DirecTV Programming Holdings and Bear Sterns.

A&E Television Networks (“AETN”) is an international media company offering consumers a diverse communications environment ranging from television programming, including home videos/DVDs and music CDs, to Web sites, as well as supporting nationwide educational initiatives. AETN is comprised of A&E Network®, The History Channel®, History International™, The Biography Channel®, The History Channel en español™, Military History Channel™, Crime & Investigation Network™,

A&E HD™, AETN International, and AETN Consumer Products. AETN is a joint venture of The Hearst Corporation, ABC, Inc. and NBC Universal.

Scripps Networks, Inc. produces lifestyle programming and content for a wide range of electronic media platforms, including cable and direct to home satellite television services, the Internet, e-newsletters, high definition channels and wireless devices, all primarily under the Food Network, HGTV, DIY Network, Fine Living TV Network and Great American Country (GAC) brands. Scripps Networks is a division of The E.W. Scripps Company.

Respectfully submitted,



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February 4, 2008

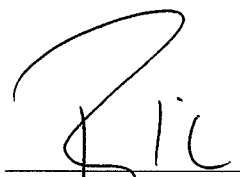
CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. 15(c) and Circuit Rule 15(a), I, Robert G. Kidwell, certify that on this 4th day of February, 2008, I caused a true and correct copy of the foregoing Petition For Review of an order issued pursuant to informal agency rulemaking and accompanying Disclosure Statement to be served by registered mail, return receipt requested, as follows:

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(Served by hand and by mail)

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Robert G. Kidwell