



**Barry J. Ohlson**

Vice President, Regulatory Affairs

Public Policy Office

October 17, 2017

**VIA ECFS**

Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th St., S.W.

Washington, DC 20554

**Re: Cox Communications, Inc.; Notice of Ex Parte Communications; In re Implementation of Section 103 of the STELA Reauthorization Act of 2014, Totality of the Circumstances Test; MB Docket No. 15-216; In re Restoring Internet Freedom, WC Docket No. 17-108**

Dear Ms. Dortch:

On October 16, 2017, Pat Esser, President Cox Communications, Inc. ("Cox") met with the following people: Chairman Ajit Pai and his advisors Alison Nemeth and Jay Schwarz; Commissioner Jessica Rosenworcel and her advisor Kate Black; Commissioner Brendan Carr and his advisor Nirali Patel; and Commissioner Michael O'Rielly and his advisor Brooke Ericson. Accompanying Mr. Esser were Jennifer Hightower, SVP and General Counsel, Law and Policy, Cox; Andy Albert, SVP, Content Acquisition, Cox; Joey Lesesne, SVP, Public Policy and Government Affairs, Cox Enterprises, Inc.; and the undersigned.

During the meeting, Mr. Esser provided an update on Cox's latest business initiatives and on Cox's ongoing work with Connect2Compete ("C2C"). The C2C program provides affordable broadband Internet service and devices to families with K-12 students that qualify for the National School Lunch Program (<https://www.cox.com/aboutus/cox-in-the-community/connect2compete.html>).

Mr. Esser expressed his support to the Chairman and Commissioners for the FCC's proposal to restore the longstanding classification of broadband Internet access service ("BIAS") as an information service. As outlined in Cox's filings in this proceeding, Cox is unwaveringly committed to maintaining Internet freedom as a matter of sound business and public policy.<sup>1</sup> But while Cox will continue to provide unimpeded access to all of the Internet content and services that its customers desire – without throttling or blocking lawful traffic or engaging in unreasonable discrimination – Cox has been equally consistent in opposing heavy-handed Title II regulation with respect to BIAS.

Mr. Esser also urged the Chairman and Commissioners to act in its Totality of Circumstances proceeding consistent with the positions outlined in the filing of Cox Enterprises, Inc. ("CEI"), which represents the joint position of Cox Communications and Cox Media Group, CEI's broadcast and media company.<sup>2</sup>

---

<sup>1</sup> See Comments of Cox Communications, Inc., WC Docket No. 17-108 (July 17, 2017).

<sup>2</sup> See Comments of Cox Enterprises, Inc., MB Docket No. 15-216, at 2-7 (filed December 1, 2015).

Specifically, the Cox representatives described how CEI's "Fair Path" proposal is designed to create a mechanism that would help resolve potential retransmission consent disputes without harming viewers. Cox believes the FCC should create a process that lets television stations and distributors bargain hard over retransmission consent arrangements – but also protects consumers when negotiations break down. The centerpiece of the Fair Path is the institution of a process of mandatory, non-binding mediation. Mediation could be invoked by either party to a negotiation, and, once invoked, participation by both parties would be required.

This FCC-sponsored mediation process would have the following additional characteristics:

- **Fast-Paced, Streamlined Procedures**: Cox envisions a mediation process that could be completed in no more than 30 days. The mediation process could be triggered by either party through a filing with the FCC no earlier than the 30th day before a contract expires. The FCC would immediately issue a public notice that the dispute is entering mediation.
- **Key Mediation Factors**: Mediations would be led by seasoned mediators that would consider FCC-identified factors, such as previous and recent retransmission agreements.
- **Standstill**: During mediation, broadcasters cannot pull their signals or discontinue online access to content – thus keeping the customers from being put in the middle of the dispute.
- **Transparency and Limited Public Disclosure**: Parties should be required to disclose to the mediator the substance of their last best offers on a per-subscriber basis and at least a brief explanation of how those offers comport with "competitive marketplace considerations." In the event that mediation fails to produce an agreement, both the parties' last best offers should be made available to the public.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. §1.1206(b)(2), a copy of this notice is being filed electronically and a copy is being provided to all meeting participants. Please inform me if you have any questions regarding this filing.

Sincerely,

\_\_\_\_\_  
/s/

Barry Ohlson  
Vice President, Regulatory Affairs  
Cox Enterprises, Inc.

cc (via email):

Chairman Ajit Pai, Alison Nemeth, Jay Schwarz  
Commissioner Jessica Rosenworcel, Kate Black  
Commissioner Brendan Carr, Nirali Patel  
Commissioner Michael O'Rielly, Brooke Ericson