

February 11, 2019

Howard J. Symons  
Tel +1 202 639 6078  
HSymons@jenner.com

BY ELECTRONIC DELIVERY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20054

**Re: Notice of Ex Parte Presentation**

**Petition of Charter Communications, Inc., for a Determination of Effective  
Competition in 32 Massachusetts Communities and Kauai, HI**

**MB Docket No. 18-283; CSR No. 8965-E**

Dear Ms. Dortch:

On February 7, 2019, Maureen O’Connell of Charter Communications, Inc. (“Charter”) and the undersigned on behalf of Charter met with Alison Steger and Will Holloway of Chairman Pai’s office regarding the above-captioned matter.

During the meeting, we summarized the legal and policy arguments in support of a determination that DIRECTV NOW satisfies the LEC Test. As detailed in Charter’s Petition and Reply to Oppositions in this proceeding, we explained that DIRECTV NOW meets the LEC Test because it is a comparable video programming service that is offered directly to subscribers “by...means” other than direct-to-home satellite. We explained that the requirement that a LEC affiliate offer service “directly to subscribers” is nothing more than a requirement that the LEC affiliate must have (or offer to have) a direct customer relationship with consumers in the franchise area.<sup>1</sup> We also explained that, contrary to respondents’ contention, the LEC Test is not limited to

---

<sup>1</sup> See Charter Communications, Inc. Reply to Oppositions, MB Docket No. 18-283, CSR-8965-E, at 14 (Nov. 19, 2018) (“Charter Reply”).

video programming services delivered over LEC facilities.<sup>2</sup> Finally, we reiterated that the need for a broadband connection to receive DIRECTV NOW is not an impediment to the offering of DIRECTV NOW in light of the fact that more than 80 percent of households in Massachusetts and Hawaii subscribed to broadband in 2016, a number that has likely risen since then.<sup>3</sup>

Please contact the undersigned if you have any questions about this matter.

Sincerely,

*/s/ Howard J. Symons*

Howard J. Symons

cc: Alison Steger  
Will Holloway

---

<sup>2</sup> See Charter Reply at 3-4; Letter from Howard J. Symons, Counsel to Charter Communications, Inc. to Marlene H. Dortch, Secretary, FCC, MB Docket No. 18-283, CSR-8965-E, at 1-4 (Feb. 1, 2019) (“February 1 Ex Parte”).

<sup>3</sup> Charter Reply at 18-19; February 1. Ex Parte at 6-7.