

February 14, 2018

VIA ECFS

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

Re: *Commission Launches Modernization of Media Regulation Initiative, MB Docket No. 17-105; Altice USA, Inc., Cablevision Systems Corporation, and CSC Holdings, LLC Emergency Petition for Injunctive Relief, MB Docket No. 18-9*

Dear Ms. Dortch:

On February 12, 2018, I met with Michelle Carey, Sarah Whitesell, Brendan Holland, and Steven Broeckart of the Media Bureau on behalf of Charter Communications, Inc. (“Charter”). In the meeting, I reiterated Charter’s request for the Federal Communications Commission (“FCC” or “Commission”) to clarify the “advance notice” rule applicable to changes in cable rates, programming services, or channel positions. Specifically, as explained in more detail in Charter’s February 6, 2018 written ex parte presentation in the above-captioned matters,¹ I urged the Commission to clarify that the 30-day advance notice requirement does not apply when a cable operator and a programmer or a broadcaster remain in carriage negotiations, even during the final 30 days of an agreement. I reiterated that cable operators would still need to provide notice “as soon as possible” in the event these negotiations fail and the channel goes dark as a result.² By contrast, I explained, if a programmer or broadcaster offers at least a 30-day extension of the expiring agreement on the same terms and conditions as that agreement, the operator would be required to provide 30 days’ advance notice running through the first 30 days of the extension period. The offer of an extension on different terms and conditions would not trigger this requirement, however.

¹ See Letter from Elizabeth Andrion, Senior Vice President, Regulatory Affairs, Charter, to Marlene H. Dortch, Secretary, Federal Communications Commission (MB Docket Nos. 17-105 & 18-9, filed Feb. 6, 2018).

² 47 C.F.R. § 76.1603(b).

I noted that these clarifications would ensure that carriage negotiations between cable operators and programmers or broadcasters are not unfairly skewed even more than they are currently, and avoid needlessly confusing customers while these negotiations are ongoing.

Please contact me if you have any questions regarding this matter.

Sincerely,

/s/ Maureen O'Connell

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cc: Michelle Carey
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