

February 20, 2019

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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 19, 2019, Maureen O’Connell of Charter Communications, Inc. (“Charter”) and the undersigned on behalf of Charter met with Erin McGrath of Commissioner O’Rielly’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 also explained that, contrary to respondents’ contention, the LEC Test is not limited to video programming services delivered over LEC facilities.¹ 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

¹ See Charter Communications, Inc. Reply to Oppositions, MB Docket No. 18-283, CSR-8965-E, at 3-4 (Nov. 19, 2018) (“Charter Reply”); 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”).

more than 80 percent of households in Massachusetts and Hawaii subscribed to broadband in 2016, a number that has likely risen since then.²

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

Sincerely,

/s/ Jonathan A. Langlinais

Jonathan A. Langlinais

cc: Erin McGrath

² Charter Reply at 18-19; February 1 Ex Parte at 6-7.