Via ECFS

The Honorable Ajit Pai, Chairman
The Honorable Mignon Clyburn, Commissioner
The Honorable Michael O'Rielly, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Submission; Applications of Charter Communications, Inc., Time Warner Cable, Inc., and Advance/Newhouse Partnership for Consent to the Transfer of Control of Licenses and Authorizations, MB Docket No. 15-149

Dear Chairman Pai, Commissioner Clyburn, and Commissioner O’Rielly:

We are thirty-eight small to mid-sized cable operators and telephone companies that provide Internet, video and voice services over high-performance broadband networks. We all have made substantial investments to provide some or all of our customers with broadband speeds of at least 25 Mbps. And we all have plans to invest in improved network technologies to offer greater performance or to expand our networks into unserved areas. Unfortunately, the merger condition requiring Charter to overbuild other providers has undermined those plans to provide improved services and reach new customers. We write to encourage the Commission to act in the best interests of millions of unserved and underserved customers by eliminating the overbuild condition.

Last year, the Commission approved Charter’s merger with a condition requiring that, in 1 million customer locations, Charter overbuild other providers already offering broadband with speeds of at least 25 Mbps. While we expect ordinary competition, such Commission-mandated competition is far from ordinary. Based on our experience and knowledge of the industry, we expect Charter to fulfill that overbuild condition through edge-out expansion to locations primarily served by a small broadband provider. These are markets that we would not expect Charter to otherwise enter, including markets that might not support two providers.

For small providers like ourselves, the mere threat of government-mandated, uneconomic entry undermines our ability to make investments that would benefit existing subscribers (e.g., investments in service improvements, network upgrades, etc.) or expand our networks to reach unserved households. To respond to growing consumer demand for increased bandwidth, all of us have been planning to upgrade the electronics on our networks and to deploy more fiber closer to customer locations over the next five years (the lifespan of the overbuild condition). Many of us have been planning to extend our networks to serve communities adjacent to our current service territories. But we have been forced to reconsider, scale back, or halt these investments in the wake of the Commission’s order.
For example, one of us had intended to install electronics that would enable the bonding of additional channels to provide greater downstream and upstream broadband speed. But the business case for that upgrade will be jeopardized if the operator is overbuilt where it is not economic to do so. Similarly, another of us has received a request for service by a neighboring community, but again, the overbuild condition threatens the viability of that build. Should the threat of uneconomic overbuilding pass, however, we will be able to resume our normal, market-driven investment in network upgrades and expansions.

Our objectives are consistent with those of the Commission – we are committed to providing broadband in unserved and underserved areas. But we cannot invest in better service, new technology, or network expansion while the threat of government-mandated, uneconomic overbuilding remains. We thus encourage the Commission to act in consumers’ best interests by eliminating the overbuild condition.

Thank you for hearing our views.

/s/ Larry Waterman
Owner
FamilyView Cablevision
P.O. Box 8
Seneca, SC 29679
800 Broadband Customers

/s/ Cheryl Rue
CEO
Tri-County Communications Coop., Inc.
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Strum, WI 54770
5,500 Broadband Customers

/s/ Ty Garrett
President
SEMO Communications, Inc.
107 SEMO Ln. / P.O. Box C
Sikeston, MO 63801
2,150 Broadband Customers

/s/ Rick Rothammer
President
Stowe Cable Systems
172 Thomas Ln.
Stowe, VT 05672
1,800 Broadband customers

/s/ Robert W. Schwartz
President
Madison Communications Company
21668 Double Arch Rd.
Staunton, IL 62088
4,100 Broadband Customers

/s/ Robert Witter
President
Northside TV Corporation
521 Vulcan St.
Iron Mountain, MI 49801
450 Broadband Customers

/s/ Tom Randolph
Owner
Spring Creek Cable
206 West Main
Montrose, CO 81401
378 Broadband Customers

/s/ Michael Boley
President & CEO
Wabash Mutual Telephone Company
6670 Wabash Rd.
Celina, OH 45822
5,237 Broadband Customers
Eric Cramer
CEO
Wilkes Communications, Inc.
1400 River St.
Wilkesboro, NC 28697
6,747 Broadband Customers

Michael R. Hale
General Manager
Shrewsbury Electric & Cable Operations
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12,427 Broadband Customers

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2,925 Broadband Customers

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19,500 Broadband Customers

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18475 CR 96
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3,100 Broadband Customers

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S732 Co. Rd. 20B
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1,127 Broadband Customers

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23,000 Broadband Customers

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D&P Communications, Inc.
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Adrian, MI 49270
6,600 Broadband Customers

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122 S Main St.
Jefferson, SC 29718
1,363 Broadband Customers

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USA Communications
920 E 56th St., Ste B
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9,600 Broadband Customers

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Savage Communications, Inc.
111 Tobies Mill Pl.
Hinckley, MN 55037
4,300 Broadband Customers

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Cable America Missouri LLC
7822 E Gray Rd.
Scottsdale, AZ 85260
10,000 Broadband Customers
Paige Venczel  
Manager  
Chesnee Communications  
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Chesnee, SC 29323  
2,700 Broadband Customers

John Karban  
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73 A So Stevens St.  
Rhinelander, WI 54501  
500 Broadband Customers

Christine Jones  
General Manager  
Michigan Cable Partners Inc.  
8800 Ferry St.  
Montague, MI 49437  
600 Broadband Customers

Robert Gessner  
President  
MCTV  
814 Cable Court NW  
Massillon, OH 44646  
49,000 Broadband Customers

Neil Classen  
General Manager  
Three River Telco  
225 North 4th St.  
Lynch, NE 68746  
1,900 Broadband Customers

Chris J. Phillips  
GM / Treasurer  
Kalida Telephone Co.  
121 E. Main St.  
Kalida, OH 45853  
1,130 Broadband Customers

Robert Webb  
Vice-President  
Northeast Communications of WI, Inc.  
450 Security Blvd.  
Green Bay, WI 54313  
11,160 Broadband Customers

Ray Poorman  
Owner/Operator  
San Juan Cable  
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Bellingham, WA 98225  
555 Broadband Customers

Randy Fletcher  
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TVC, Inc.  
P.O. Box 369  
Lennon, MI 48449  
1,868 Broadband Customers

Rochelle Pervisky  
VP of Regulatory Affairs  
Hiawatha Broadband Communications, Inc.  
58 Johnson St.  
Winona, MN 55987  
15,709 Broadband Customers

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Lakeland Communications  
825 Innovation Ave.  
Milltown, WI 54858  
2,940 Broadband Customers

Andrew B. Davis  
Owner  
Fidelity Communications, Inc.  
64 N. Clark St.  
Sullivan, MO 63080  
60,000 Broadband Customers
Richard Sjoberg  
President  
Sjoberg’s Inc.  
315 N. Main Ave.  
Thief River Falls, MN 56701  
6,500 Broadband Customers

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Celect Communications, LLC  
S131 McKay Ave  
Spring Valley, WI 54767  
4,164 Broadband Customers

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TruVista  
112 York St.  
Chester, SC 29706  
18,000 Broadband Customers

Floyd Grocholski  
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1,352 Broadband Customers

cc:  Jay Schwarz  
Kristen Harris  
Robin Colwell  
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