

March 15, 2017

Via ECFS

Marlene Dortch
Secretary
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 Ms. Dortch:

Yesterday a group of small to mid-sized cable operators and telephone companies that provide Internet, video and voice services over high-performance broadband networks filed a letter in MB Docket No. 15-149. Our signatures were inadvertently left off of that letter. Attached is an amended copy correcting that oversight.

Thank you.

/s/
William D. Bauer
President and CEO
WinDBreak Cable
1140 10th St.
Gering, NE 69341
297 Broadband Customers

/s/
Bart Olson
President
Merrimac Communications Ltd.
327 Palisade St.
Merrimac, WI 53561
2,200 Broadband Customers

March 14, 2017

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/
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800 Broadband Customers

/s/
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/s/
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/s/
Robert Witter
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/s/
Tom Randolph
Owner
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/s/
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/s/

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Glen Faulkner
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/s/

Jonathan West
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/s/

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/s/

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/s/

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/s/

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/s/

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/s/ _____
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/s/ _____
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/s/

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/s/

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/s/

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/s/

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/s/

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cc: Jay Schwarz
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