



April 12, 2019

**ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *In re Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311

Dear Ms. Dortch:

On Wednesday, April 10, 2019, Lee Schroeder and I, of Altice USA, Inc. (“Altice USA” or the “Company”), and Justin Lilley of TeleMedia Policy Corp. met with Matthew Berry, Chief of Staff to Chairman Pai; Joel Miller, Chief of Staff to Commissioner O’Rielly; Evan Swarztrauber, Legal Advisor to Commissioner Carr; Kate Black, Legal Advisor to Commissioner Rosenworcel; and Holly Saurer, Raelynn Remy, Michael Carlson, Susan Aaron, and Martha Heller of the Media Bureau, with Brendan Murray and Maria Mullarkey, also of the Media Bureau, joining by telephone.

Consistent with its Reply Comments in this proceeding,<sup>1</sup> Altice USA provided an update on its ongoing construction of a fiber-to-the-home (“FTTH”) network, including its efforts to secure necessary permits to site cable system equipment in the public rights of way. Altice USA explained that in some instances, its investments in the FTTH network offering cable (and broadband) service have been delayed or frustrated by actions of franchising authorities. Altice USA emphasized that certain franchising authorities have imposed unlawful delays and demands in connection with permitting for Altice USA’s cable system equipment.<sup>2</sup> The Company also highlighted franchising authority demands for cash and other in-kind contributions over and above the statutorily capped 5 percent franchise fee.<sup>3</sup>

Altice USA urged the Commission to address these practices in the above-referenced proceeding, including by: (1) adopting shot clocks and fee limitations under Section 621(a)(2)

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<sup>1</sup> See Reply Comments of Altice USA, Inc., MB Docket No. 05-311 (Dec. 14, 2018) (“Reply Comments”).

<sup>2</sup> Reply Comments at 4-5.

<sup>3</sup> 47 U.S.C. § 542(b); Reply Comments at 6-7.

for permitting for its FTTH equipment;<sup>4</sup> (2) establishing clear preemption of attempts to demand additional authorizations and fees related to non-cable services provided over a cable system;<sup>5</sup> and (3) holding that the franchise fee does not exclude franchise-required fees (beyond incidental permitting fees) or in-kind contributions, except as expressly required by Section 622, and that the franchise fee cap is non-waivable.<sup>6</sup>

Pursuant to section 1.1206(b) of the Commission's rules,<sup>7</sup> this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding.

Respectfully submitted,

/s/ Paul Jamieson

Paul Jamieson

Vice President, Government Affairs and Policy

Altice USA

cc: Matthew Berry  
Joel Miller  
Evan Swarztrauber  
Kate Black  
Holly Saurer  
Raelynn Remy  
Michael Carlson  
Susan Aaron  
Martha Heller  
Brendan Murray  
Maria Mullarkey

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<sup>4</sup> 47 U.S.C. § 541(a)(2); *Reply Comments* at 8-11.

<sup>5</sup> See *In re Restoring Internet Freedom*, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311, 426-27 ¶ 194 (2018); *In re Inquiry Concerning High-Speed Access to the Internet over Cable and Other Facilities*, Declaratory Ruling and Notice of Proposed Rulemaking, 17 FCC Rcd 4798, 4849-50 ¶ 102 (2002), *aff'd in part, vacated in part by Brand X Internet Servs. v. FCC*, 345 F.3d 1120 (9th Cir. 2003), *rev'd*, *NCTA v. Brand X Internet Servs.*, 545 U.S. 967 (2005); *Reply Comments* at 14-16.

<sup>6</sup> 47 U.S.C. § 542(g); *Reply Comments* at 17-22.

<sup>7</sup> 47 C.F.R. § 1.1206(b).