

**REDACTED – FOR PUBLIC INSPECTION**

July 31, 2019

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**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554

Re: Discounted Broadband Services Offer Condition Semi-Annual Report (Docket No. WC 16-197)

Dear Ms. Dortch:

Pursuant to the Federal Communications Commission's ("Commission" or "FCC") Memorandum Opinion and Order ("Order") in MB Docket No. 15-149, Charter Communications, Inc. ("Charter") hereby files the enclosed information required by Section VI.2(h) of Appendix B of the Order.<sup>1</sup>

Charter respectfully requests that, pursuant to Section 0.459 of the FCC's Rules,<sup>2</sup> the Commission withhold from public inspection and afford confidential treatment to the data being filed with this letter.

Section 552(b)(4) of the Freedom of Information Act ("FOIA Exemption 4") permits an agency to withhold from public disclosure any information that qualifies as "trade secrets and commercial or financial information obtained from a person and privileged or confidential."<sup>3</sup> Section 0.457(d)(2) of the Commission's Rules allows persons to file a request for non-disclosure when submitting materials that they wish withheld from public inspection.<sup>4</sup>

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<sup>1</sup> Order, App'x B, § VI.2(h). In order to harmonize various reporting requirements under the Order, the reporting deadline for the first report was modified to July 31, 2017, with subsequent reports due every six months thereafter. *See* Letter from Madeleine Findley, Deputy Chief, Wireline Competition Bureau to John Flynn, Counsel for Charter Communications, Inc., DA 17-402 (filed Apr. 28, 2017).

<sup>2</sup> 47 C.F.R. § 0.459.

<sup>3</sup> 5 U.S.C. § 552(b)(4).

<sup>4</sup> 47 C.F.R. § 0.457(d)(2).

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In accordance with Section 0.459 of the Commission’s rules, Charter submits the following:

**(1) Identification of the specific information for which confidential treatment is sought.**<sup>5</sup> Charter requests confidential treatment of the data enclosed with this letter (“Submission”), as required by Section VI.2(h) of Appendix B of the Order.

**(2) Description of the circumstances giving rise to the submission.**<sup>6</sup> Charter submits this Submission in response to Section VI.2(h) of Appendix B of the Order.

**(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.**<sup>7</sup> The Submission contains commercially sensitive information that may be withheld from public disclosure under FOIA Exemption 4. The Commission has recognized that, for purposes of Exemption 4, “records are ‘commercial’ as long as the submitter has a commercial interest in them.”<sup>8</sup> In this regard, the Submission, which contains detailed information regarding Charter’s subscriber numbers and current estimates of households eligible to participate in Charter’s Discounted Broadband Services Offer, which constitutes sensitive “commercial” information that may be withheld under FOIA Exemption 4.

**(4) Explanation of the degree to which the information concerns a service that is subject to competition.**<sup>9</sup> The Submission contains proprietary and non-public information about Charter’s business operations of the type that has fallen under the Highly Confidential category in the proceeding underlying the Order.

**(5) Explanation of how disclosure of the information could result in substantial competitive harm.**<sup>10</sup> The Submission is confidential because its public release would likely cause competitive harm. Providing competitors and competing vendors with the information contained in the Submission would expose competitive and operational business information not ordinarily available to the public. The D.C. Circuit has found parties do not have to “show actual competitive harm” to justify confidential treatment.<sup>11</sup> Rather, “[a]ctual competition and the

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<sup>5</sup> *Id.* § 0.459(b)(1).

<sup>6</sup> *Id.* § 0.459(b)(2).

<sup>7</sup> *Id.* § 0.459(b)(3).

<sup>8</sup> *Robert J. Butler*, Memorandum Opinion and Order, 6 FCC Rcd 5414 ¶ 12 (1991) (citing *Pub. Citizen Health Research Group v. F.D.A.*, 704 F.2d 1280, 1290 (D.C. Cir. 1983); *Am. Airlines v. Nat’l Mediation Bd.*, 588 F.2d 863, 868 (2d Cir. 1978)).

<sup>9</sup> 47 C.F.R. § 0.459(b)(4).

<sup>10</sup> *Id.* § 0.459(b)(5).

<sup>11</sup> *Pub. Citizen Health Research Grp.*, 704 F.2d at 1291 (quoting *Gulf & Western Indus. v. United States*, 615 F.2d 527, 530 (D.C. Cir. 1979)).

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likelihood of substantial competitive injury’ is sufficient to bring commercial information within the realm of confidentiality.”<sup>12</sup>

**(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.**<sup>13</sup> Charter treats the information contained in the Submission as highly confidential; it has submitted this type of information in other proceedings under the Highly Confidential legend and has committed not to publicly disclose this information.

**(7) Identification of whether the information is available to the public and the extent of any previous disclosure of information to third parties.**<sup>14</sup> Charter has not previously disclosed the contents of the Submission to the public.

**(8) Justification of period during which the submitting party asserts that the material should not be available for public disclosure.**<sup>15</sup> Given the proprietary and non-public nature of the information in the Submission, Charter requests that confidential treatment apply indefinitely.

Please let me know if you have any questions.

Sincerely

/s/ John L. Flynn

John L. Flynn

Enclosure (redacted)

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<sup>12</sup> *Id.*

<sup>13</sup> 47 C.F.R. § 0.459(b)(6).

<sup>14</sup> *Id.* § 0.459(b)(7).

<sup>15</sup> *Id.* § 0.459(b)(8).

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Docket Established For Monitoring	)	WC Docket No. 16-197
Compliance With The Conditions Imposed In	)	
The Charter Communications-Time Warner	)	
Cable-Bright House Networks Order	)	

**CHARTER COMMUNICATIONS, INC.  
SEMI-ANNUAL REPORT ON DISCOUNTED BROADBAND SERVICES OFFER**

**July 31, 2019**

Charter Communications, Inc. (“Charter”) submits this report as required by the Discounted Broadband Services Offer Condition (“Condition”) set forth in Section VI.2 of Appendix B of the Federal Communications Commission’s (“Commission” or “FCC”) Memorandum Opinion and Order (“Order”) in MB Docket No. 15-149. The Condition requires Charter to “offer[] a reduced price broadband service to low income families to make broadband access more affordable to them.”<sup>1</sup> It further requires Charter to submit semi-annual reports that provide “a description of the Company’s compliance with the Condition.”<sup>2</sup> This report, as discussed below, demonstrates that Charter is in compliance with the Condition.

*Commencing the Service.* Charter began offering the Discounted Broadband Services—called Spectrum Internet Assist—as of November 10, 2016, in accordance with Section VI.2.a’s requirement to do so within six months of Closing. Similarly, Charter made Spectrum Internet

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<sup>1</sup> *Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 15-149, Memorandum Opinion and Order, 31 FCC Rcd 6327, 6547, App. B (2016) (“2016 Charter Merger Order”).

<sup>2</sup> *Id.* at 6548.

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Assist available across its entire footprint where 30 Mbps wireline Broadband Internet Access Service (“BIAS”) is technically available as of April 25, 2017, in accordance with Section VI.2.a’s requirement to do so within one year of Closing.

*Marketing Requirements.* As required by Section VI.2.g, since Spectrum Internet Assist’s launch, Charter has “maintain[ed] a dedicated phone number prospective participants can call in order to verify eligibility . . . and, subject to confirmation, to register for the program if eligible.”<sup>3</sup> Consistent with Section VI.2.f, Charter has established a link on its homepage directing customers to a webpage dedicated to describing Spectrum Internet Assist and providing prospective customers with the ability to check on Spectrum Internet Assist’s availability in their area.<sup>4</sup> Charter has also taken a number of other steps to market the Spectrum Internet Assist product, including training its customer service representatives (both telephone and in-store) to inform customers about Spectrum Internet Assist’s availability, and actively marketing the Spectrum Internet Assist product through direct mail, email, telephone, in-store sales, and community outreach events. These steps satisfy Section VI.2.f.

*Enrollment Results.* The significant investment that Charter has made in Spectrum Internet Assist’s roll-out has had measurable results. As of May 31, 2019, **[BEGIN HIGHLY CONFIDENTIAL INFORMATION]** **[END HIGHLY CONFIDENTIAL INFORMATION]** households were enrolled in Spectrum Internet Assist and receiving service. As required by Section VI.2.h of the Condition, attached to this report is a chart showing “the total number of households enrolled and receiving service in the Discounted Broadband Services

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<sup>3</sup> *Id.*; that toll-free phone number is 1-844-525-1574.

<sup>4</sup> See Spectrum Homepage, <https://www.spectrum.com/> (last visited July 31, 2019).

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Offer on a monthly basis” and “the total number of estimated households eligible to participate in the Discounted Broadband Services Offer on a monthly basis.”<sup>5</sup>

Respectfully submitted,

/s/ Suzanne Curtis

Suzanne Curtis

Company Compliance Officer

Charter Communications, Inc.

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<sup>5</sup> 2016 Charter Merger Order at 6549, App. B.

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*Month-by-Month Spectrum Internet Assist Enrollment and Eligibility Estimates*

<b>Month</b>	<b>Total number of households enrolled and receiving service through Spectrum Internet Assist (as of month's end)</b>	<b>Total number of estimated households eligible to participate in Spectrum Internet Assist</b>
December 2018	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]
January 2019	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]
February 2019	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]
March 2019	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]

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<b>Month</b>	<b>Total number of households enrolled and receiving service through Spectrum Internet Assist (as of month's end)</b>	<b>Total number of estimated households eligible to participate in Spectrum Internet Assist</b>
April 2019	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]
May 2019	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]	[BEGIN HIGHLY CONFIDENTIAL INFORMATION]  [END HIGHLY CONFIDENTIAL INFORMATION]