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VIA ECFS

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: *Notice of Ex Parte, Improving Competitive Broadband Access to Multiple Tenant Environments, GN Docket No. 17-142*

Dear Ms. Dortch:

On September 2, 2021, Mary Beth Murphy, Radhika Bhat, and William Check of NCTA – The Internet & Television Association, Howard Symons of Jenner & Block LLP, on behalf of NCTA, Beth Choroser of Comcast, Jenny Prime of Cox, and Maureen O’Connell of Charter spoke with Pam Arluk, Matthew Collins, Dan Kahn, Jesse Goodwin, Janice Gorin, and Mike Ray of the Wireline Competition Bureau and Maria Mullarkey and Brendan Murray of the Media Bureau regarding the above-referenced proceeding.¹

NCTA explained that the record in this proceeding confirms that deployment, competition, and consumer choice in multiple tenant environments (“MTEs”) are strong. The Commission can promote even greater deployment and competition by prohibiting not just cable operators, other covered MVPDs, and telecommunications carriers, but *all* broadband providers from entering into MTE exclusive access agreements.²

NCTA also described the benefits of continuing to allow providers to enter into exclusive wiring agreements with MTE owners. Exclusive wiring agreements do not deny new entrants access to MTEs. Rather, exclusive wiring agreements are pro-competitive and help ensure that

¹ See *Improving Competitive Broadband Access to Multiple Tenant Environments; Petition for Preemption of Article 52 of the San Francisco Police Code Filed by the Multifamily Broadband Council*, Notice of Proposed Rulemaking and Declaratory Ruling, 34 FCC Rcd. 5702 (2019).

² NCTA also argued that the Commission has ancillary authority to extend the exclusive MTE access ban to all broadband providers even if broadband remains classified as an information service.

state-of-the-art wiring will be deployed in MTEs to the benefit of consumers.³ NCTA also discussed the technical infeasibility of simultaneous sharing of in-use wiring by different providers. Finally, NCTA discussed some of the pro-consumer benefits of bulk billing and exclusive marketing arrangements.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please direct any questions to the undersigned.

Respectfully submitted,

/s/ Mary Beth Murphy

Mary Beth Murphy

CC: Pam Arluk
Matthew Collins
Dan Kahn
Jesse Goodwin
Janice Gorin
Mike Ray
Maria Mullarkey
Brendan Murray

³ See Comments of NCTA – The Internet & Television Association, GN Dkt. No. 17-142, at 4-5 (filed Aug. 30, 2019); Reply Comments of NCTA – The Internet & Television Association, GN Dkt. No. 17-142, at 4-6 (filed Sept. 30, 2019).