

September 16, 2016

Leah J. Tulin  
Tel +1 202 639 6058  
ltulin@jenner.com

FILED VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *Expanding Consumers' Video Navigation Choices*, MB Docket No. 16-42  
*Commercial Availability of Navigation Devices*, CS Docket No. 97-80

Dear Ms. Dortch:

On September 14, 2016, Alex Hoehn-Saric, Charter Communications Inc.'s Senior Vice President for Policy and External Affairs, met with Matthew Berry, Chief of Staff to Commissioner Pai.

During the meeting, Mr. Hoehn-Saric explained that Charter's practice of providing modems to its broadband subscribers at no additional charge is both transparent and customer-friendly, and that Charter's inclusive prices are competitive with those of its peers even *without* factoring in the separate modem fees charged by other MVPDs.<sup>1</sup> Mr. Hoehn-Saric also reiterated that the Commission's proposal to require a separately stated modem fee would not only fail to meet the Commission's stated goal of increasing transparency to consumers, but would actively harm consumers by creating a new fee that the vast majority of subscribers would need to pay.<sup>2</sup> In addition to being a bad policy proposal, Mr. Hoehn-Saric noted that the Commission's proposed rule is legally flawed for the numerous reasons that Charter has already explained.<sup>3</sup>

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<sup>1</sup> See Letter from Leah J. Tulin, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 1-2 (filed Aug. 18, 2016).

<sup>2</sup> See *id.* at 2.

<sup>3</sup> See Letter from Samuel L. Feder, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 1-5 (filed Sept. 12, 2016); Letter from Leah J. Tulin, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 1-2 (filed Aug. 18, 2016); Letter from Leah J. Tulin, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 2-3 (filed July 11, 2016); Reply Comments of Charter Communications, Inc., MB Docket No. 16-42 & CS Docket No. 97-80 (filed May 23, 2016).

Ms. Marlene H. Dortch

September 16, 2016

Page 2

Mr. Hoehn-Saric also pointed out that, in its Order approving the transactions through which Charter acquired Time Warner Cable and Bright House Networks, the Commission explicitly prohibited Charter from charging a separate modem fee as part of the discounted broadband services offer that Charter will soon begin offering to eligible low-income customers.<sup>4</sup> The Commission's proposal to now *prohibit* providers from imposing a separate modem charge is fundamentally at odds with the policy the Commission endorsed in the *Charter-TWC-BHN Order* and underscores the arbitrary and capricious nature of the Commission's proposal.

Finally, Mr. Hoehn-Saric expressed concerns with the concepts and approaches recently raised by Commission staff for addressing other issues in this proceeding.<sup>5</sup>

Please contact me if you have any questions regarding these matters.

Sincerely,

/s/ Leah J. Tulin

Leah J. Tulin  
*Counsel for Charter Communications, Inc.*

cc: Matthew Berry

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<sup>4</sup> *In re Applications of Charter Commc'ns, Inc., Time Warner Cable Inc., and Advance/Newhouse P'ship. For Consent to Assign or Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, MB Docket No. 14-159, app. B, § VI.2.e (May 10, 2016) ("*Charter-TWC-BHN Order*") ("Qualifying households . . . shall not be required to pay modem fees . . .").

<sup>5</sup> See Letter from Paul Glist, Counsel for National Cable & Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 1-2 (filed Sept. 13, 2016).