

September 23, 2016

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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 22, 2016, Alex Hoehn-Saric, Charter Communications Inc.'s Senior Vice President for Policy and External Affairs, and Maureen O'Connell of O'Connell Strategies, met with Robin Colwell, Chief of Staff and Senior Legal Advisor, Media, for Commissioner Michael O'Rielly.

During the meeting, Mr. Hoehn-Saric and Ms. O'Connell explained why the Commission's proposal to require a separately stated fee for cable modems is legally flawed and would fail to meet the Commission's stated goal of increasing transparency to consumers.¹ They also expressed concerns with the Commission's draft set-top box proposal, including many of the issues raised in the *ex partes* submitted by NCTA - The Internet & Television Association and AT&T on September 19 and 22, 2016 and the *ex parte* submitted by Charter on September 22, 2016.²

¹ 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).

² See *generally* Letter from Jonathan Friedman, Counsel for Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 16-42 & CS Docket No. 97-80, at 1-2 (filed Sept. 22, 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 (filed Sept. 22, 2016); An Analysis of the FCC Chairman's New Set-Top Box Proposal (Sept. 19, 2016), attached to Letter from Rick Chessen, NCTA - The Internet & Television

Ms. Marlene H. Dortch

September 22, 2016

Page 2

In addition, Mr. Hoehn-Saric and Ms. O'Connell explained that Charter supports authentication of the TV Everywhere apps of programmers where an authentication agreement is in place, and authentication is consistent with the terms of that agreement. However, requiring MVPDs to authenticate where there is no agreement in place, or where the requirement to authenticate goes beyond the terms of the agreement, would insert the FCC into contractual matters that are beyond its authority under Section 629.

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: Robin Colwell