

**SIMPSON PUBLIC AFFAIRS**  

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**A GOVERNMENT RELATIONS CONSULTANCY**

February 13, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: *Applications of Comcast Corp., Time Warner Cable Inc., Charter Communications, Inc., and SpinCo for Consent to Assign or Transfer Control of License and Authorizations, MB Docket No. 14-57***

Dear Ms. Dortch:

On February 11, 2015 Lynne Costantini of TheBlaze Inc. (“TheBlaze”) and the undersigned of Simpson Public Affairs, LLC, met with Robin Colwell, Chief of Staff and Media Advisor to Commissioner O’Rielly regarding the above-referenced proceeding (“Proposed Transaction”).

Ms. Costantini (i) reviewed TheBlaze’s concerns with respect to the Proposed Transaction identified in its August 25, 2014 comments in the record including discrimination against non-affiliated independent programmers and programmers that distribute content online for a fee in carriage decisions, and distortions in the video distribution marketplace created by the operation of most favored nations clauses (“MFNs”) and alternative distribution method clauses (“ADMs”).

Ms. Costantini noted that TheBlaze is unique among emerging video networks because it is the first television channel to mature online from a dedicated base of paying subscribers. TheBlazeTV.com serves as proof of concept and demonstrates that there is a built-in engaged audience for TheBlaze content. However, the largest MVPDs, including the Applicants, have cited the availability of TheBlazeTV.com as an obstacle or adverse factor to gaining MVPD carriage. TheBlaze noted that none of the more than 100 other MVPDs that carry TheBlaze, including Cablevision, Suddenlink and Dish Network have requested limitations or restrictions on continued distribution of TheBlazeTV.com as a condition to carriage. TheBlaze also highlighted its numerous attempts to allay the objections of the applicants through differentiation of its OTT and MVPD feeds to no avail.

TheBlaze also reviewed Comcast’s disparate treatment of independent networks as compared to networks owned by Comcast, noting that carriage standards differ. The

prevailing Comcast-NBCU Consent Decree definition of “independent” does not adequately account for current market conditions and that the previous Consent Decree’s “independent network” set aside has been inadequate to correct discriminatory behavior. In response to questions regarding other independent networks that have not opposed the transaction, TheBlaze noted that retribution is a significant concern for programmers and other programmers may have retransmission consent rights or can otherwise bundle programming which can allay much of the disparate treatment truly independent programmers receive. TheBlaze further explained that the Commission’s existing program carriage regime has been unsuccessful in eliminating discrimination from vertically integrated MVPDs.

In response to questions about how discrimination and retribution could be alleviated if the merger is approved, TheBlaze offered suggestions about how the basic framework of an arbitration condition could be structured as a means to address carriage discrimination claims by unaffiliated independent networks. TheBlaze noted that arbitration would compel the Applicants to be transparent and even-handed in making programming decisions; and, with limited discovery, arbitration would showcase the less favorable treatment of independent networks compared to Comcast affiliated networks with respect to the ease with which they are permitted to rebrand, expectations with respect to program ratings, breadth and scope of MFNs and ADMs, and demands that Comcast must “make money” on the distribution of independent content. TheBlaze also noted that the cooperation of the Applicants would be required for such a condition to be effective and that the Applicants have a lengthy track record of opposing merger conditions through litigation.

Respectfully submitted,

*/s/ John Simpson*

John Simpson  
Consultant to TheBlaze  
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Cc: Robin Colwell