

Shawn D. Sheridan  
sheridan3398@yahoo.com

October 4, 2015

FILED ELECTRONICALLY

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

Re: *In the Matter of Applications of Charter Communications, Inc. (“Charter”), Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to Transfer Control of Licenses and Authorizations*, MB Docket No. 15-149

Dear Ms. Dortch,

I respectfully submit this supplement to my comment dated September 27 to the Commission for the denial of the Applications referenced above. This supplement is not intended to present new issues, but rather clarify certain statements made and provide new information directly linked to my comment of September 27, 2015.

I presented in my comment to the Commission fact-based bullying, non-compliance, avoidance, maliciousness, withholding information from the FCC and more. On October 2—four days after my submission was posted and Directors of Charter and Charter’s counsel received a copy of my comment via direct email addresses—Charter disconnected my Internet service.

I note that with a letter dated October 2, 2015 John L. Flynn, of Jenner & Block LLP and counsel to Charter, submitted a comment that on September 30, 2015 representatives of Charter met via telephone with Federal Communications Commission staff, and that one of the two Charter staff involved was Larry Christopher, Vice President and Associate General Counsel, Litigation/Chief Compliance Officer. As noted by Mr. Flynn, “During the meetings, the Charter representatives discussed clarifications regarding the Commission’s data-related information requests....”

The following details were provided in my comment of September 27, but I now highlight only the communications that relate to Charter’s General Counsel and Larry Christopher:

| <i>Letter</i> | <i>Addressee</i> | <i>Via</i>     | <i>Tracking</i>      | <i>State</i> |
|---------------|------------------|----------------|----------------------|--------------|
| – 05/21/2014  | General Counsel  | Certified Mail | 7013263000011...8078 | MO           |
| – 07/05/2014  | General Counsel  | Certified Mail | 7014015000012...3940 | MO           |

| <i>Letter/Email</i> | <i>Addressee</i>  | <i>Via</i>       | <i>Tracking/Fax/Email</i> | <i>State</i> |
|---------------------|-------------------|------------------|---------------------------|--------------|
| 07/19/2014          | General Counsel   | Fax              | 314-909-0. .9             | MO           |
|                     |                   | Certified Mail   | 7014015000012...4801      | MO           |
| 07/22/2014          | General Counsel   | Fax              | 314-909-0. .9             | MO           |
| – 09/09/2014        | Larry Christopher | Certified Mail   | 7013302000018...8779      | MO           |
| – 10/08/2014        | General Counsel   | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | First Class Mail | n/a                       | MO           |
| – 10/21/2014        | VP and Assoc GC   | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | Certified Mail   | 7014182000017...4029      | MO           |
| – 10/31/2014        | VP and Assoc GC   | Priority Mail    | 940590369930028...7473    | MO           |
| – 12/03/2014        | VP and Assoc GC   | Fax              | 314-909-0. .9             | MO           |
| – 12/26/2014        | VP and Assoc GC   | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | Priority Mail    | 940590369930032...6311    | MO           |
| – 01/16/2015        | VP and Assoc GC   | Fax              | 314-909-0. .9             | MO           |
| – 01/26/2015        | Larry Christopher | Fax              | 314-909-0. .9             | MO           |
| – 02/04/2015        | Larry Christopher | Priority Mail    | 940780369930001...8713 *  | MO           |
| – 03/08/2015        | VP and Assoc GC-L | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | First Class Mail | n/a                       | MO           |
| – 06/24/2015        | VP and Assoc GC-L | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | First Class Mail | n/a                       | MO           |
| – 07/22/2015        | VP and Assoc GC-L | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | First Class Mail | n/a                       | MO           |
| – 09/12/2015        | VP and Assoc GC-L | Email            | l...@charter.com          | MO           |
| – 09/18/2015        | Larry Christopher | Fax              | 314-909-0. .9             | MO           |
| –                   |                   | Email            | l...@charter.com          | MO           |

\* Signature Confirmation delivery

VP and Assoc GC: Vice President and Associate General Counsel

VP and Assoc GC-L: Vice President and Associate General Counsel-Litigation

To grasp the magnitude of what is presented, Charter Communications has not acknowledged in any fashion my correspondence marked with a dash, addressed to Vice President and Associate General Counsel; General Counsel; Vice President and Associate General Counsel-Litigation; Larry Christopher, VP; Larry Christopher, Vice President and Associate General Counsel; or Larry Christopher, Vice President and Associate General Counsel-Litigation. There can be no doubt that Charter representatives decisively and collectively ignored me as an active customer.

Further evidence of Larry Christopher’s direct involvement with my dispute can be realized by comparing Charter’s arbitration clauses before and after October 1, 2014. Before October 1, the clause in the service agreement pertaining to “bundled” customers instructed that any “Notice of Intent to Arbitrate” should be attentioned to “General Counsel.” After October 1, however, the attention was changed to “VP and Associate General Counsel, Litigation.” Larry Christopher has been central in Charter inhibiting my unresolved billing dispute of almost 550 days.

\* \* \*

In my comment of September 27, I stated: “Charter Communications has its customer care center placed snugly in a state that deals strictly with volunteerism. SCDCA was just another avenue by which Charter blatantly ignored me.” To clarify, I refer to the fact that all customers, except for

Michigan residents, are directed to register complaints via Charter's office in South Carolina. Also, Charter's "Corporate Customer Escalation Department" is based in South Carolina.

\* \* \*

In my comment of September 27, I stated: "Charter's Board must be swayed by John Malone's and Gregory Maffei's highly-influential non-consumer goals and intentions, and that swaying is the catalyst of the Applications." As a supplement, I present the following substantiation:

In May 2015, Bloomberg published the article, *John Malone to Reclaim Cable Throne With Time Warner Deal*, excerpted:

John Malone has returned to the U.S. cable industry with a vengeance.

Just two years ago, the man who made a fortune building Tele-Communications Inc. into a U.S. broadcasting titan was spending much of his time trying to repeat the trick in Europe through London-based Liberty Global Plc.

Yet Tuesday's \$55 billion bid by Malone's Charter Communications Inc. for Time Warner Cable Inc. shows the 74-year-old billionaire remains eager to grab a leading role in the industry consolidation taking place on both sides of the Atlantic.

"There's been no one as instrumental as Malone in this business," said Neil Campling, a senior analyst at Aviate Global in London. "He's also a banker at heart and does these deals not because he loves the industry, or there's a romance there, but because he's a shrewd businessman."

[Source: <http://www.bloomberg.com/news/articles/2015-05-26/john-malone-to-reclaim-cable-king-...>]

In May 2015, Variety published the article, *John Malone Reclaims Cable Crown with Charter-TW Cable Deal (Analysis)*, excerpted:

More than a year after getting outfoxed by Comcast's Brian Roberts in the hunt for Time Warner Cable, patience and perseverance have paid off for media giant John Malone.

Charter Communications' three-way deal to acquire TW Cable and Bright House Networks promises to create a cable and broadband footprint that will rival Comcast's size and scope and put Charter in the prime real-estate territory of New York and Los Angeles. Malone's Liberty Broadband, through its investment in Charter, will be able to exert meaningful influence again in the MVPD marketplace thanks to this bigger footprint. Assuming the transactions are approved by regulators, Liberty Broadband will be Charter's largest shareholder, owning about 20% of the equity and controlling 25% of the voting shares.

Malone has yet to publicly comment on the Charter transactions, but industry observers note he was a facilitator of the talks that led to a rich deal, valuing TW Cable at nearly \$57 billion, barely four weeks after Comcast pulled its \$45.2 billion offer. Liberty Broadband is making another \$5 billion investment in Charter as part of the transaction. And another Malone entity, Liberty Interactive, is making a \$2.4 billion investment in Liberty Broadband "in support" of the Charter deal.

[Source: <http://variety.com/2015/biz/news/john-malone-charter-time-warner-cable-deal-analysis-...>]

In May 2015, TheStreet published the article, *Charter Shareholders Are the Real Winners in Time Warner Cable Deal*, excerpted:

Time Warner Cable shareholders likely feel as though they won the lottery with Tuesday's takeover offer from Charter Communications. But the real winners may be those holding Charter stock.

...The Charter deal has none of those complications. For that reason, Charter was willing to include a \$2 billion payment to Time Warner Cable in the event that this deal would be rejected by regulators. Approval is "highly probable," said Macquarie analyst Amy Yon in an investor note on Tuesday.

[Source: <http://www.thestreet.com/print/story/13162718.html>]

In May 2015, TheStreet published the article, *John Malone Rides High as Cable Cowboy Remakes Pay TV, Again*, excerpted:

A deal to buy Time Warner Cable, the country's second-largest cable-TV operator, is quite a coup, even by Malone's standards.

"There is no one better able to come back in right now, take the reins over, than this guy," Leo Hindery, who headed Malone's Tele-Communications Corp before it was sold to AT&T in 1999, said in a phone interview from New York. "You want Edison around when you come up with a new light bulb, and he's no different for the cable-TV business."

Two years ago, Malone's Liberty Media took a 27% stake in Charter, a pay-TV operator that held just 4.2 million subscribers. Since then, Charter has increased its size to 5.9 million subscribers. The Charter investment, Hindery said, fulfilled Malone's desire to have a vehicle to re-enter a cable-TV industry.

"John is a shareholder's CEO," Hindery said. "He has done right by his shareholders again and again and again. He's also the greatest visionary of the multi-channel industry."

If regulators approve Charter's deal for Time Warner Cable, and a separate agreement to acquire privately-held Bright House Communications, it stands to grow to 23 million customers nationwide, well within striking distance of industry leader Comcast at 27 million.

The Time Warner Cable transaction, said Matthew Harrigan, a media analyst at Wunderlich Securities, is likely to be seen as a "career capping deal."

With Malone, though, you never know when he'll be back for more.

[Source: <http://www.thestreet.com/print/story/13163056.html>]

In February 2015, the New York Post published the article, *John Malone building assets to create a media empire*, excerpted:

Darth Vader is back—and he looks to be building the Death Star.

John Malone, whose byzantine cable-TV deals earned him the moniker, has Hollywood buzzing about a new plot to build Starz and his other far-flung assets into a powerful media empire.

After years of buying cable operators and other companies that distribute content, Malone is now targeting companies that own or produce programming.

The billionaire investor set tongues wagging last week when he bought a stake in Lionsgate, the force behind “The Hunger Games” film franchise and AMC’s hit “Mad Men.”

The stock-swap deal gives the Liberty Media chairman, who is also Starz’ largest shareholder, a seat on the board of the independent studio and a 3.4 percent ownership interest. In exchange, Lionsgate gets a 4.5 percent stake in Starz.

Malone could use Lionsgate’s movies and TV programming as a global content springboard to feed his pay-TV assets, including cable operator Charter Communications and Virgin Media in the UK.

“John likes the Lionsgate guys. He’s always been a scale player and an aggregator of assets,” said one source.

[Source: <http://nypost.com/2015/02/20/john-malone-building-assets-to-create-a-media-empire/>]

In April 2015, the Wall Street Journal published the article, *Media M&A May Soon Have Its Day*, excerpted:

Investors also speculate that Liberty Media Chairman John Malone may be trying to build a media giant, much as he has begun to do with cable via his investment in Charter Communications. Mr. Malone owns major voting stakes in Discovery Communications and Starz, as well as a smaller stake in studio Lions Gate Entertainment.

One thing he lacks is a broadcast network. These have benefited from rapidly growing, high-margin retransmission fees and are considered must-haves, even for smaller online TV bundles. Mr. Malone also is missing deals with the major sports leagues.

CBS would offer both of these, one reason some think Mr. Malone has his eye on the broadcaster. At a recent conference, Liberty Media Chief Executive Greg Maffei may have signaled his company’s appetite for a big deal. Responding to a question about his plans for the \$2.8 billion in cash held by Liberty Ventures, he said he was interested in “scaling up the capital” and that “all the money has been made in a couple of big deals when we swung for the right pitch.”

Gaining control of CBS would require buying the 79.7% voting stake held by Sumner Redstone’s National Amusement. Mr. Redstone, who is 91 years old, hasn’t shown interest in a sale but control of that stake will pass to a trust after he dies. The trust is likely more open to a sale of CBS or its sister company Viacom.

Other sellers could include smaller media companies such as AMC Networks, Scripps Networks Interactive or Madison Square Garden, which may be looking to combine forces or merge with a bigger company to gain more leverage in affiliate-fee negotiations. One

possibility is that Viacom could sell its Paramount Pictures movie studio and merge its cable networks with one of these firms.

And regulators might yet reject Comcast's deal. Even that won't necessarily derail consolidation, though. Charter announced recently it would buy Bright House Networks for \$10.4 billion. And Mr. Malone has said Charter would try to buy Time Warner Cable if the Comcast deal founders. Comcast's cliffhanger has yet to be resolved, but media matchmaking may be just getting started anyway.

[Source: <http://www.wsj.com/articles/media-m-a-may-soon-have-its-day-heard-on-the-...1428866918>]

In May 2015, the New York Times published the article, *For the Highest-Paid C.E.O.s, the Party Goes On*, excerpted:

It pays to work for John C. Malone.

The billionaire who built a cable and communications empire is 74, and no longer a chief executive himself. But Mr. Malone still exerts sway from various boardrooms, and the C.E.O.s at the companies he oversees are routinely among the best compensated managers on the planet. Last year, the largess was particularly notable.

Take Discovery Communications, the cable group behind Shark Week and shows like "Cake Boss." Mr. Malone spun Discovery out of his media group and still sits on the board. His choice for chief executive, David M. Zaslav, received total compensation worth \$156 million last year, making him the highest-paid chief of an American public company, according to the Equilar 200 Highest-Paid CEO Rankings, conducted for The New York Times.

Just behind Mr. Zaslav on the list of the highest-paid chief executives is Michael T. Fries of Liberty Global, an international cable and wireless group that Mr. Malone presides over as chairman. And while Mr. Fries made considerably less than Mr. Zaslav—\$44 million less—he still got a package worth \$112 million.

Gregory B. Maffei, one of Mr. Malone's closest lieutenants, was paid twice in 2014. As chief of Liberty Media, which owns the Atlanta Braves baseball team and a big stake in the satellite radio provider SiriusXM, Mr. Maffei received compensation of \$41.3 million. As chief of Liberty Interactive, a related company that owns stakes in home shopping networks, he received \$32.4 million. Mr. Malone, the chairman of both companies, awarded his friend a total of \$74 million last year, placing him sixth on the list.

Thomas M. Rutledge, another Malone confidant who oversees the regional cable operator Charter Communications, where Mr. Malone and Mr. Maffei are board members, was given a \$16 million package last year, an increase of 259 percent over 2013. Though Mr. Malone is not on the compensation committee that sets executive pay, Mr. Maffei is.

Taken together, the four C.E.O.s were awarded more than \$350 million last year, occupying three of the top six spots of the study conducted by Equilar, an executive compensation data firm.

"At John Malone's companies, there's still a great deal of inside baseball in setting executive pay," said Robert Jackson Jr., a professor of corporate governance at Columbia Law School.

“When you think about \$350 million among four men, it’s hard to see how that’s what they need to be paid competitively.”

“Media executives have perpetuated the myth that there is something so unique about success in this industry that C.E.O.s cannot be judged or paid by conventional standards,” said Michael Pryce-Jones, director of corporate governance at the CtW Investment Group, which pushes for shareholder rights. “Malone is an exponent of this fantasy, so it isn’t surprising to see it perpetuated at the companies he influences.”

While the package that placed [Mr. Zaslav of Discovery Communications] atop this year’s list reflected a new multiyear employment agreement (as did that of Mr. Fries), Mr. Zaslav has routinely made more than his corner office peers. The chief of Discovery since 2007, he reaped \$52.4 million in 2011, \$49.3 million in 2012, \$33.3 million in 2013 and now \$156 million last year, for total compensation of \$291 million since 2011.

Such sustained lavishness is enabled, in part, by the closely controlled structure of Mr. Malone’s companies. In each case, Mr. Malone and his allies heavily influence voting shares, while ordinary investors typically hold stock with fewer rights.

[Source: <http://www.nytimes.com/2015/05/17/business/for-the-highest-paid-ceos-the-party-goes-on...>]

In March 2015, the New York Post published the article, *‘King of Cable’ making waves ahead of TWC merger decision*, excerpted:

Don’t count out John Malone, the king of cable, just yet.

The Liberty boss is making a play to win whether or not Comcast’s \$45 billion deal to acquire Time Warner Cable gets a rubber stamp or gets KO’d by the Feds.

Liberty-backed Charter Communications, Malone’s so-called “horizontal acquisition machine” moved into acquisition mode Thursday.

Bloomberg reports that the Connecticut-based cable operator is holding talks to acquire Syracuse-based Bright House Networks to tuck another 2.5 million subscribers under its wing.

Independent telecom sector analyst Craig Moffett said the news sheds little light on whether Comcast’s big deal is kaput, but it is a significant chess move.

[Source: <http://nypost.com/2015/03/12/king-of-cable-making-waves-ahead-of-twc-merger-decision/>]

In March 2015, the Tampa Bay Times published the article, *If Bright House Networks sells to Charter, it’s a new cable TV world in Tampa Bay*, excerpted:

Cable TV times are a-changing, fast, in the Tampa Bay market.

On the heels of Verizon selling its FiOS TV, Internet and landline phone businesses in this metro area to Frontier Communications, we now hear Bright House Networks—the other major cable player here—might soon be bought.

Bright House looks to be worth \$10 to \$12 billion, reports say. The cable company also runs the Bay News 9 local news channel and has its name on the Philadelphia Phillies spring training complex in Clearwater.

If reports of the Charter negotiations are on target and a Bright House deal does happen, then the bulk of the Tampa Bay TV and Internet market will be in the hands of two new players to the metro area.

Frontier has grown by expanding its cable holdings in rural parts of the country, making Tampa Bay a strategic leap to enter larger markets. Its purchase last month of Verizon's TV, Internet and landline phone businesses in Florida, California and Texas was pegged at \$10.5 billion.

The larger Charter Communications operates in 28 states.

Curiously, both Frontier and Charter happen to be headquartered in the same city: Stamford, Conn.

Charter's market value is \$21.7 billion. Frontier's value is just over \$7 billion.

Media reports, citing J.D. Power surveys of customer satisfaction of their cable TV operators, generally give below-average marks to both Charter and Frontier.

That might not bode well for the Tampa Bay market.

Why is there such turnover in our cable TV companies? The industry seems to be consolidating, a possible sign that smaller companies see tougher cable TV times ahead and larger companies are looking for greater size to seek economies of scale.

[Source: <http://www.tampabay.com/news/business/charter-communications-eyeing-deal-.../2221134>]

Back in August 2014, The Hollywood Reporter published the article, *John Malone: Combined Fox-Time Warner Would Be 'Very Powerful'*—which seems quite revealing—excerpted:

Liberty Media chairman John Malone on Monday discussed the planned Comcast-Time Warner Cable deal and a possible 21st Century Fox deal for Time Warner.

Asked about the entertainment conglomerates' potential combination at the annual shareholder meeting of Liberty Media, which was webcast, Malone said it would create "a very powerful programming enterprise with lots of market power." He also described the possible deal as an issue, "which clearly raises all kinds of consolidation, [monopoly] and market power issues for both [the Justice Department] and the FCC."

Discussing Charter's deal, Malone reminded investors that Charter originally had gone after all of TWC. He argued that the deal Charter got in the end was "superior to the one they started with," saying "shareholders are better off" than if Charter had bought all of TWC.

[Source: <http://www.hollywoodreporter.com/news/malone-talks-fox-time-warner-723092>]

In November 2014, Deadline published the article, *Does John Malone Lust After TW Cable? "Hell, Yes!" (If Comcast Deal Tanks)*, excerpted:

Liberty Media Chairman John Malone hasn't lost his lust for Time Warner Cable. That's the unmistakable message he delivered today at Liberty's Investor Day gathering when he was asked whether Charter—where he's the top shareholder—would take another run at TWC if its current \$45 billion deal with Comcast falters. "Hell yes," Malone said, reaffirming his reputation as one of media's most reliable straight shooters.

Malone quickly added, though, that he's "totally happy" with Charter's current system swap agreements with Comcast that would make Charter a strong No. 2 cable operator, dominant in 10 states mostly in the mid-West. "In many ways, from our point of view, it's a better deal than going after 100%" of TWC, Malone says.

[Source: <http://deadline.com/2014/11/liberty-media-john-malone-comcast-time-warner-...1201289131/>]

In November 2014, Market Insider published the article, *Malone Says Charter Will Try to Buy Time Warner Cable if Comcast Deal Falls Through*, excerpted:

Malone told shareholders at Liberty's investor day that he would pursue "an outright purchase" of Time Warner Cable if regulators don't approve the Comcast deal.

[Source: <http://www.marketsinsider.com/malone-says-charter-will-try-to-buy-time-warner-.../317874/>]

If Charter's counsel or other representatives attempt to construe my comment(s) to the FCC as an attempt to tarnish John Malone's character, that would be an incorrect assessment. As previously suggested, Mr. Malone's business interests are not founded upon consumer benefit, meaning that the catalyst of the Applications is not based upon consumer benefit. There can be no doubt that John Malone and Gregory Maffei played fundamental roles in the Applications. As reported in so many ways, their fundamental interests are shareholder benefits and corporate influence.

As news articles have mentioned, a deal with Time Warner Cable occurred in which Charter is liable for a \$2 billion fee if the Commission denies the Applications. How can that adverse act be considered anything other than a flagrant breach of fiduciary duties adverse to Charter? What was the purpose of that arrangement? To confirm seriousness or to thoroughly pressure the FCC?

\* \* \*

In May 2015, the Wall Street Journal published the article, *Charter to D.C.: We're No Comcast*, excerpted:

The deal will be the first test of this magnitude for Charter's modest D.C. lobbying operation headed by executive vice president of government affairs Catherine Bohigian. She was hired from Cablevision Systems Corp. two years ago by Mr. Rutledge to start and staff Charter's D.C. office from scratch—right about when Charter began courting TWC.

If regulators block the deal, Charter could owe Time Warner Cable about \$2 billion, or Time Warner Cable could be responsible for the breakup fee if it accepts an offer from a rival suitor, people familiar with the matter said.

Ms. Bohigian, Charter's point person in Washington, spent seven years at the FCC earlier in her career, serving as an advisor to former Chairman Kevin Martin and head of the agency's office of strategic planning and policy. Her small internal team will get outside help from outside lawyers who will focus on the reviews by the Federal Communications Commission and antitrust regulators.

A major factor will be whether any major resistance develops from media companies and public interest groups—as it did in the case of Comcast's deal.

FCC Chairman Tom Wheeler issued a statement on Tuesday reiterating that the companies must prove the deal would benefit consumers.

Some of the analysts said eventually Charter may need to raise broadband prices for consumers to recoup its pricey investment on the deal, since the traditional pay TV business is under pressure.

“Broadband pricing is almost an insurance policy for cable operators in that if all else fails, you've always got the option to raise broadband rates,” said Craig Moffett, analyst at MoffettNathanson. But he noted that there's an “obvious danger” to that on the regulatory front, so Charter is likely to be cautious in the near term.

[Source: <http://www.wsj.com/articles/charter-positioning-twc-merger-for-washington-1432656619>]

Charter did not present an easy sell to the Commission with clear consumer benefit, but instead prepared for battle and elaborately-woven intrigue. In January 2015, CED Magazine published the article, *Charter adds 3 to government affairs team*—which blatantly mentions a nationwide campaign to influence local, state and federal level officials—excerpted:

Charter Communications announced this morning that it had hired three executives for the company's government affairs team.

Adam Falk was named senior vice president, government affairs while Waldo McMillan and Tamara Lipper Smith were hired to the roles of vice president, government affairs. All three will report to Catherine Bohigian, executive vice president of government affairs at Charter.

Falk will be tasked with working on Charter's legislative and regulatory goals at the local and state level and will manage the company's local and state government affairs team. McMillan will oversee Charter's federal legislative efforts while working with Paul Cancienne who shares the same title.

“We are pleased to welcome these three highly respected new leaders to our team,” said Bohigian. “Their wide-ranging expertise and overall knowledge of the industry and government affairs will serve our team well as we work to advance Charter's regulatory priorities at the local, state and federal levels.”

Smith most recently served as a special advisor in the FCC's Office of Strategic Policy and Planning, where she was responsible for communicating key agency initiatives, directing outreach, media relations and communications strategy for the Incentive Auction Task Force. Upon her arrival at the agency in 2006, Smith served as the chief spokeswoman and communications adviser for the agency's chairman.

[Source: <http://www.cedmagazine.com/news/2015/01/charter-adds-3-to-government-affairs-team>]

In January 2015, Fierce Cable published the article, *Charter beefs up government relations team with 3 exec hires*, excerpted:

Charter Communications has added three executives to its government relations team, highlighted by the addition of former Cablevision operative Adam Falk as senior VP, government affairs. According to a company announcement released Thursday, Falk will be responsible for achieving Charter's legislative and regulatory goals at the local and state level and will manage the MSO's local and state government affairs team.

[Source: <http://www.fiercecable.com/node/76936/print>]

In July 2015, The Hill published the article, *Charter lobbies up in merger bid*, excerpted:

The hires bring the company's total number of outside lobbyists to nine.

"In general we don't want to find that we're in a crucial part of the process and find that we don't have the resources to do what we need to do," said Alex Dudley, Charter's Senior Vice President of Communications, when asked about the hires.

Charter made the lobbying hires to better allow it to respond to the intense scrutiny that comes with a deal of this size, according to Dudley.

"When we contemplate running a transaction like this through the Washington approval process, we have a staff in D.C. of less than ten," he said. "When you start to think about how do you go about telling your story to all of the different people who can have an impact on its success inside the Beltway, you look at 10 people and say there is no way we can do that. So we have to get help."

For its part, Dudley indicated that Charter's tactics will be calibrated as the deal moves forward but said that the company does not intend to begin its efforts by running a "political style campaign."

"We'll make our case, and we'll make it as loudly as we think we need to," he said, before noting in an email that "we don't want to be overbearing."

[Source: <http://thehill.com/policy/technology/248410-charter-lobbies-up-in-merger-bid>]

Mr. Dudley stated, "...you look at 10 people and say there is no way we can do that. So we have to get help." I suggest to the Commission that Charter has knowingly and deliberately withheld the knowledge of the breadth and depth of the "help" initiated at local, state and federal levels.

In my comment of September 27, I stated: "I suggest to the Commission that Charter and/or Time Warner Cable have infiltrated the public comment submissions process via chambers of commerce, mayors and others through unfair advantage and/or clandestine pressure subversive to the public." After submitting my comment, I decided to learn more about my mayor. I searched YouTube and discovered that "Charter Communications Local Edition" interviewed the mayor of Turlock (my city) and posted it on July 27, 2015<sup>†</sup>, three weeks after a Charter vice president

wrote to me via FedEx overnight service as though totally unaware of the details of my dispute that had been on-going for 15 months.

† [http://youtu.be/dx\\_SJccf6Qg](http://youtu.be/dx_SJccf6Qg) ‘California Edition with Turlock Mayor Gary Soiseth’ posted by CharterLocalEdition

I could hardly watch the interview as a Charter representative asked the mayor one question after another about local groundwater issues. I kept thinking, “Why would a cable and Internet service provider based outside of California care about local groundwater resource issues, so much so that an interview with the mayor is produced and posted on YouTube as a ‘Local Edition’? What interest is it of Charter than to sway local officials for corporate benefits and work to gain favor for such a time as the FCC’s public comments process?” Is a nationwide broadband provider really interested in Turlock area groundwater resource issues? As a consumer, it was sickening.

The Commission’s Public Notice DA 15-1010, released September 11, 2015, states:

We seek comment from interested persons to assist the Commission in its independent review of all proposed transfers of licenses and authorizations....

I suggest to the Commission that there is a significant difference between accepting comments from the general public and accepting comments from public officials. I am one voice. When a public official, such as a mayor or congressional member submits a comment as an interested person, the representation is different, and immediately becomes both unfair and unproven in representing the public at large. Those in political positions that present a comment on behalf of the Applicants can not prove that those they represented were agreeable. Representatives have not and can not prove prevailing agreement with his or her position—if evidenced, perhaps 80% of those represented would agree, perhaps 8%, or perhaps only 0.8%.

Allowing the weight of comments from public officials in the same process as the general public conduces an unfair advantage. Public officials are inherently political; and it is well documented that politicians can be swayed behind-the-scenes by major corporate donors, major contributors to local economies, major influence to local voters, etc., in favor of interests adverse to consumer benefits, whether intentional or not.

Do public officials represent local businesses in the public comments process? If yes, then why would “represented” businesses be allowed to submit opposing comments? Of course a business is allowed to submit a comment on behalf of its own interests that may not be the position of any relevant public official, so it should be with all consumers. The mayor of Turlock, California presented a favorable comment on behalf of my city when my position was not favorable. Mayor Gary Soiseth does not represent my position in this matter, and he did not provide proof that he accurately or faithfully represented the position of any resident of Turlock whatsoever, though he presented his comment on official letterhead as the mayor.

As I suggested previously, the public comments process has been overrun by unfair advantage and/or clandestine pressure via unproven representations. Those who have commented to the Commission using official letterhead in their elected capacity should not be considered interested persons but rather interested constituencies, which is not what was stated in the Public Notice.

I suggest to the Commission that commenters presented as representative of particular groups of the public—constituencies—should either be disqualified in the process or considered with the same weight as a single consumer, which should generate inquiries as to how they became so informed of New Charter’s benefits. It is offensive to me as an interested person that a plethora of public officials have representatively commented in the Applicants’ corporate favor, as though coordinated lobbyist efforts have occurred at local, state and federal levels to feign the public.

I urge the Commission to require Charter Communications to provide a detailed explanation as to why my Internet service was disconnected on October 2, 2015.

Sincerely,



Shawn Sheridan  
Turlock, California

|                      |                                       |                            |
|----------------------|---------------------------------------|----------------------------|
| cc: Vanessa Lemmé    | Media Bureau                          | Vanessa.Lemme@fcc.gov      |
| Ty Beam              | Media Bureau                          | Ty.Bream@fcc.gov           |
| Elizabeth McIntyre   | Wireline Competition Bureau           | Elizabeth.McIntyre@fcc.gov |
| Adam Copeland        | Wireline Competition Bureau           | Adam.Copeland@fcc.gov      |
| Jim Bird             | Office of General Counsel             | TransactionTeam@fcc.gov    |
| Gary Soiseth         | Office of the Mayor, Turlock          | GSoiseth@turlock.ca.us     |
| John L. Flynn        | Jenner & Block LLP                    | JFlynn@jenner.com          |
| Eric L. Zinterhofer  | Searchlight Capital Partners, LLC     |                            |
| Thomas M. Rutledge   | Charter Communications, Inc.          |                            |
| John C. Malone       | Liberty Broadband Corporation         |                            |
| Gregory B. Maffei    | Liberty Broadband Corporation         |                            |
| Craig A. Jacobson    | Hansen, Jacobson, Teller, et al., LLP |                            |
| John D. Markley, Jr. | New Amsterdam Growth Capital          |                            |
| Balan Nair           | Liberty Global, Inc.                  |                            |

Note: The backup related to my comment, in the form of three identical compact discs containing relevant PDFs of letters, emails, articles, mailing labels, tracking information, billing statements, etc., has been sent via Priority Mail. However, I will mail three identical updated compact discs as replacements.