

January 19, 2016

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 thank Mr. Lake for his open letter of January 4, 2016, which paused the clock to ensure commenters like myself have sufficient time to review new information and comment.

Accompanied with this letter is an addition to my November 12, 2015 Reply to Responses and December 27, 2015 Supplemental Reply in connection with the above-referenced matter.

Sincerely,



Shawn Sheridan  
Turlock, California

Attachment

cc: Vanessa Lemmé      Owen Kendler  
    Ty Beam              Betsy McIntyre  
    Adam Copeland      Joel Rabinovitz  
    Jim Bird              Jessica Campbell

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Applications of	)	MB Docket No. 15-149
	)	
Charter Communications, Inc.,	)	
Time Warner Cable Inc., and	)	
Advance/Newhouse Partnership	)	
For Consent To Transfer Control of	)	
Licenses and Authorizations	)	

**ADDITIONAL REPLY TO RESPONSES/OPPOSITIONS**

**January 19, 2016**

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## DECLARATION

I declare under penalty of perjury under the laws of the State of California that the following is true and correct:

- My continued status as an indigent consumer (my gross monthly income is less than 300% of federal poverty guidelines).
- My sole authorship of documents filed electronically at fcc.gov that contain my signature.
- My personal experiences expressed in this Additional Reply to Responses/Oppositions submitted to the Federal Communications Commission dated January 19, 2016.

Date executed: January 19, 2016

Place: Turlock, California; County of Stanislaus

Signature: */s/ Shawn D. Sheridan*  
Shawn D. Sheridan

## INTRODUCTION

1. Anyone following news articles about the Commission's review of the Applications see that only few weighty oppositions are reported. Can a non-expert, non-representative type person genuinely assist in the decisions of the Commission for a multi-billion-dollar deal?

2. Could one consumer submit comments that genuinely help cause denial of Applications? I can only hope that as a consumer with inside information due to an active dispute, providing non-expert research and analysis, the answer to those questions is yes.

3. I am involved in a consumer arbitration proceeding with Charter Communications, and with inspection of recent filings by the Respondents to the Commission's information and data requests, and further research, I have discovered a larger picture as it pertains to the Transaction.

## I. INFLUENCE

### A. John Malone and company

4. A few days ago I stumbled across a news article by Westword titled, *Meet Robin Pringle, who's marrying Colorado Governor John Hickenlooper*.<sup>1</sup> I found the article while researching John Malone's Liberty-related companies, which lead me to research Robin Pringle.

5. I allege that the Commission has placed misdirected focus on the person of John Malone rather than Mr. Malone's clandestine influence, namely utilizing employees, etc., as messengers.

6. In August 2014, a video was posted at YouTube titled, *Interview 2: Robin Pringle*. I have a screen-print of the webpage containing the video in case it's deleted before you can view it, but for convenience, the following is an excerpted transcript:<sup>2</sup>

Q: *Tell me a little bit about Liberty Media and what your responsibilities are at the company.*

A: "Sure. So, Liberty Media is a holding company. So, in many ways it's a publically-traded private equity firm, or hedge fund—some people might describe it as. And we basically own assets mainly in the media and Internet space. So, we own things like SiriusXM, Live Nation, which is also Ticketmaster. We own QVC, the home shopping network. We own Home Shopping Network, HSN. We own 30% of that. And then we have a big bunch, a big portfolio of Internet companies. Provide Commerce, BodyBuilding.com, Backcountry.com, that kind of stuff. Evite. So, we own all these different companies, and we don't own them with the thought of selling them necessarily. We own them thinking for the long term that these are going to be successful investments and will ultimately return a lot cash and value to us and our shareholders.

I'm Vice President in the Corporate Development group. And the Corporate Development group, we are responsible for finding companies to buy or invest in, and then transacting—so doing the actual investment—and then after we have them, we're responsible for overseeing them. So basically, corporate governance. And we probably do about one big deal a year, sometimes less. And then I'd say about 50 to 60% of my time is spent working with the companies, the CEOs, and the other sort of C-level executives at those companies and helping to make sure that the numbers are good, any H. R. issues, any sort of big corporate issues that come up we're familiar with and we agree with what management is doing."

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<sup>1</sup> Westwood, January 13, 2016 at <http://www.westword.com/news/meet-robin-pringle-whos-marrying-colorado-governor-john-hickenlooper-7508096>.

<sup>2</sup> See <http://www.youtube.com/watch?v=LFhEnXoE4Ss>, published on August 7, 2014 by Ellie Hamilton.

Q: *What led you to your current position?*

A: [excerpt] "...I had ended up in Denver for my summer and someone suggested Liberty Media. And I went in and I interviewed, and they said that they never had job openings. And it was the kind of thing where, I mean, I didn't care, I said "Great." And I just kept going back in for interviews, and then one day someone quit and they called me and just gave me the job. So, it's almost as though I didn't actually formally interview for it."

Q: *What skills have been most relevant to get you to where you are today?*

A: [excerpt] "...secondly, learning how to interact with people far more senior than you, and be confident in that interaction, and brave in your approach, has served me incredibly well and has always allowed me to kind of interact and be present at things that are, you know, above my level at the time, but that you can grow into."

Q: *So, do you think these are the types of skills that maybe Liberty Media would look for in hiring someone?*

A: "I think that those are the skills I would look for in hiring someone, particularly the critical thinking. And I think that, you know, typically if we're going to hire anyone they're going to be a lot younger than where I am right now. So, we would expect to hire someone 1 to 2 years out of college. And critical thinking and then drive and determination. So, that, almost like a sub-skill of the second thing I said. And I think that that's exactly what we would look for."

Q: *What would you say the greatest challenges are that you faced in your current position?*

A: "In my current position, there is not a lot of structure. So, it's being a self-starter and trying to figure out where you can make an impact and going out and making the impact. And that has certainly been the biggest challenges, because without that you can feel lost and kind of drifting, and then that's de-motivating. But it happens to be what I like. We've had some junior people who haven't been able to work within that construct, and have had to leave what's otherwise a great job because of them."

7. The transcript is meant to reveal that in August 2014 Liberty Media's Vice President of Corporate Development was a messenger of John Malone and Greg Maffei to Tom Rutledge, CEO of Charter. The following is the current bio for Ms. Pringle at [www.ftdcompanies.com](http://www.ftdcompanies.com):

Robin S. Pringle has served as one of our directors since December 2014. Ms. Pringle has been Vice President, Corporate Development of LIC [Liberty Interactive Corporation] since January 2013. Ms. Pringle served as a Director, Corporate Development of LIC from January 2010 to December 2012, and as a Manager, Corporate Development from July 2008 to December 2010. Ms. Pringle also serves as the Vice President, Corporate Development of Liberty Media Corporation. Prior to joining Liberty, she worked in the Strategic Planning and Business Development group at Del Monte Foods and in investment banking at Thomas Weisel Partners. She served as a director of Sirius XM Radio Inc. from January 18, 2013 to September 9, 2013....

8. In a December 31, 2014 article published by Multichannel.com, *FTD Closes Liberty E-Commerce Unit Buy*, it is subtitled, *Deal Gives Liberty Interactive 35% Interest in Floral Giant*.

It was in that month that a former EVP of Charter became a director, in addition to Ms. Pringle.<sup>3</sup>

9. And that may not be dissimilar to Michael Huseby's connection as a director of Charter alongside John Malone and Greg Maffei while being the CEO of Barnes & Noble when Liberty Media divested about 90% of its stake.<sup>4</sup>

10. Any allegation is based solely on public information, and I am not the only one who has insinuated inappropriateness with the Barnes & Noble deal. In my September 27, 2015 Comment I referenced an article regarding Greg Maffei being on too many boards, of which the Forbes article concluded: "Looking for good news in all this? Ask the shareholders of Barnes & Noble and Electronic Arts. Maffei stepped down from those boards over the past two years."<sup>5</sup>

11. One month after it was reported that Liberty Media was getting out of Barnes & Noble, Reuters reported on May 8, 2014, *Liberty Media announces new spin-off of cable assets*, also stating "Maffei said Charter is a 'natural acquirer of pretty much any cable asset that gets sold.'"<sup>6</sup>

12. Robin Pringle and the Corporate Development group may have been used in clandestine ways, including influencing high-level government officials. The governor of Colorado, although unnamed, was mentioned in my December 27, 2015 Supplemental Reply to Responses. Among many others, his submitted comment to the FCC for MB Docket 15-149 was received after the due date but dated on his official letterhead as though he signed the letter 48 days earlier.<sup>7</sup>

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<sup>3</sup> <http://www.multichannel.com/news/content/ftd-closes-liberty-e-commerce-unit-buy/386576>.

<sup>4</sup> *Why John Malone's Liberty Is Virtually Closing the Book on Barnes & Noble*, published on April 4, 2014 at <http://variety.com/2014/biz/news/why-john-malones-liberty-is-virtually-closing-the-book-on-barnes-noble-1201152734>. *Huseby's Appointment as Barnes & Noble CEO Signals a Renewed Effort to Sell the Company*, published on January 9, 2014 at <http://www.digitalbookworld.com/2014/husebys-appointment-as-barnes-noble-ceo-signals-a-renewed-effort-to-sell-the-company>.

<sup>5</sup> See page 28 of my September 27, 2015 Comment for MB Docket 15-149.

<sup>6</sup> See <http://www.reuters.com/article/libertymedia-idUSL2N0NU1CW20140508>.

<sup>7</sup> Page 10 of my December 27, 2015 Supplemental Reply to Responses/Oppositions.

13. On January 17, 2016 the Denver Business Journal published the article, *Hickenlooper hitched: Governor completes merger with Liberty Media exec.*<sup>8</sup> That is either conjecture or it is plain to see that there exists a behind-the-scenes network of influence headed by Mr. Malone and Mr. Maffei. If John Malone could somehow be removed from the Transaction, he could not be removed from direct covert influence due to his ties and investments.

14. A description of the culture at Liberty-related companies may be found at the website for Liberty Global Ventures, which states: “We participate in both lead and co-lead roles during the investment process.”<sup>9</sup> Do they mean that during the entire period of maintaining investment that they lead or co-lead? That’s what Ms. Pringle detailed in the posted 2014 interview.

15. Back in 2013, Deadline published the article, *Sirius XM Board Overhauled As Liberty Media Formally Takes Control*, excerpted:<sup>10</sup>

Liberty Media Chairman John Malone just consolidated his power at the satellite radio company as four people friendly to his outlook joined the Sirius XM board replacing former CEO Mel Karmazin—who left last month—and three other directors who just resigned.

They’ve been replaced by Liberty SVP Mark Carleton, Liberty VP Robin Pringle, Liberty General Counsel Charles Tanabe and Sirius XM’s new interim CEO James Meyer.

Sirius XM says that it is “exempt from certain corporate governance requirements” including one that requires a majority of the board members to be independent of management.

16. Three months later, the Washington Examiner published, *Sirius XM says Liberty’s Maffei is new chairman.*<sup>11</sup> Ms. Pringle’s interview affirms a lead/co-lead culture, so that when Charter’s largest shareholder, Paul Allen, sold his stake to John Malone’s Liberty Media in 2013, that culture took over via the “investment process” which led to the current proposed Transaction.

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<sup>8</sup> <http://www.bizjournals.com/denver/news/2016/01/17/hickenlooper-hitched-governor-ties-knot-with.html>.

<sup>9</sup> “Our Strategy” at <http://www.libertyglobal.com/ventures.html>.

<sup>10</sup> <http://deadline.com/2013/01/sirius-xm-liberty-media-john-malone-control-409760>.

<sup>11</sup> <http://www.washingtonexaminer.com/sirius-xm-says-libertys-maffei-is-new-chairman/article/feed/2088177>.

17. The Washington Examiner’s April 2013 article also revealed:<sup>12</sup>

The company said Wednesday that Tanabe won’t stand for election to a full one-year term. Malone, who has been on the board since April 2009, also won’t run for a new term. Sirius XM said it nominated David Zaslav and Malone’s son Evan, to fill those seats on the board.

Zaslav, 53, is president and CEO of media company Discovery Communications. Evan Malone, 42, has been a director of Liberty Media since August 2008. He also works as an engineering consultant.

## **B. Liberty Broadband**

18. Reuters’ May 8, 2014 article provides historical motives for creating Liberty Broadband, spun off by two directors of Charter Communications, John Malone and Greg Maffei.

19. In Liberty Broadband’s January 11, 2016 Supplemental Response to the Commission’s Information and Data Request No. 12—regarding improperly influencing New Charter—Nelson Mullins firm wrote one sentence: “Liberty Broadband has completed its search of the files of the agreed-upon custodians and has produced any non-privileged documents identified as potentially responsive to this Request.”

20. Does “Liberty Broadband” have a single employee that works for only one employer? Based on public knowledge, the answer must be no, because Liberty Broadband, established in the fall of 2014, is likely not a parent company with parent *standalone* employees.

21. Not only was Nelson Mullins’ answer to the Commission coy, but it was directly in line with the analogy I presented to the Commission regarding collusion in my November 12, 2015 Reply to Responses:<sup>13</sup>

“Where is the file containing the company’s collusive agreements? Oh, it’s not here? How about in the other states where the company has offices? Any there? Oh, you don’t have any at any location? Okay, there must not be any collusion here!”

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<sup>12</sup> *Id.*

<sup>13</sup> Page 27.

22. How did Liberty Broadband complete “its search of the files” and not find anything to provide to the Commission for 12 questions?<sup>14</sup> Liberty Broadband could not have a room full of files. It is a legal entity consisting of ownership of/in companies not headquartered in Colorado. I urge the Commission to handle the Liberty Broadband parent entity for what it is: an active part of a conglomerate of Liberty entities with similar addresses and associated leadership.

### **C. Liberty Global**

23. For reasons not public, Counsel for certain Liberty-related companies associated with the Applicants has been able to limit what information is provided to the Commission, but how is the Nelson Mullins firm able to limit what is directly relative?

24. Liberty Global (with Liberty Global Ventures) has not submitted a single filing related to the proceeding, but John Malone is its Chairman, and Balan Nair is Executive Vice President and Chief Technology Officer, based in the U.S., both directing Charter. LibertyGlobal.com defines the company as the “world’s largest international cable company.” In addition to a plethora of other companies listed, the website describes its Colorado Impact Fund as “Venture Capital fund focused on Colorado companies.”<sup>15</sup> Are these companies operating in the U.S.? Who are they?

25. LibertyGlobal.com reveals:

Liberty Global Ventures is a global investment fund owned by Liberty Global, the largest cable company, with market-leading operations across 14 countries. Our existing portfolio consists of companies in the content, technology, internet and distribution space. These investments are managed by a dedicated team of professionals located in London, Denver, Silicon Valley, and Amsterdam.

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<sup>14</sup> ¶ 1, page 2 of Liberty Broadband’s January 11, 2016 Supplemental Response again mentions discussions with unnamed Commission staff that limited answers to less than what was requested.

<sup>15</sup> See downloadable “Liberty Global Ventures Fact Sheet” as of September 30, 2015.

26. Why would Liberty Global not have to answer for the Transaction, with 5 million mobile subscribers, 6 million Wi-Fi access points and 57 million video, voice and Internet subscriptions, not to mention relative U.S. companies via Liberty Global Ventures?

27. One of the ways the Applicants may have been able to keep Liberty Global out of the equation is by emphasizing U.S. industry consolidation. However, by including Liberty Global into the equation, it becomes clear that John Malone has not intended consolidation but rather restructuring of assets, working with owned and planned to be owned and/or influenced resources.

28. In November 2015, the Telegraph published, *John Malone: the mystery method behind a media empire*, excerpted:<sup>16</sup>

“Some people talk about his empire as an ‘alphabet soup’ of assets, share classes, structures, accretive buybacks and tax efficiencies,” says Neil Campling, an analyst at the broker Aviate Global. “But his investors love the complexity because it unlocks long-term value and it is something others are unable to understand or take the time to dig deep enough into.”

29. Shouldn’t the connection between Charter and Liberty Global through ARRIS qualify for review? In an April 2015 article, *Charter Communications–ARRIS Sign JV to Buy ActiveVideo*, Zacks published:<sup>17</sup>

U.S. cable multi service operator Charter Communications Inc. recently inked a joint venture agreement with leading video and broadband gear manufacturer, ARRIS Group, Inc. for the acquisition of ActiveVideo Networks—a provider of cloud-based interfaces and applications.

ActiveVideo boasts a remarkable customer base which includes leading U.S. cable MSOs—Cablevision Systems Corporation and Time Warner Cable Inc. In addition, it serves Liberty Global plc—the leading cable MSO in Europe and several other notable companies globally.

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<sup>16</sup> <http://www.telegraph.co.uk/finance/newsbysector/mediatechnologyandtelecoms/telecoms/12010847/Liberty-Global-snaps-up-Cable-and-Wireless-in-3.6bn-deal.html>.

<sup>17</sup> <http://www.zacks.com/stock/news/171027/charter-communicationsarris-sign-jv-to-buy-activevideo>.

30. My comments to the Commission, especially beginning at page 3 of my October 4, 2015 Supplemental Comment, cited many news articles that describe building an empire rather than consolidation. Evidence of that can be seen with Liberty companies. If consolidation was at the core of Mr. Malone and Mr. Maffei's views, then why did Liberty Media divest ownership of Charter? If consolidation is at the core of the movement, then why is Liberty Global separate?

31. Of course, there are those who avoid taxes in a very big way. It was thoroughly described in a November 3, 2014 article by Bangor Daily News, *Maine's largest landowner, billionaire media magnate avoids millions in taxes with inversion deal*.<sup>18</sup> The article states: "He effectively controls the company by owning almost 87 percent of Liberty Global's super-voting B shares."

32. If Liberty Global is truly to be identified as non-U.S., then why are the email addresses @libertyglobal.com instead of @libertyglobal.plc.uk? If Liberty Broadband is truly to be treated as a *standalone* corporation, then why does its CEO not utilize @libertybroadband.com?

33. In a board meeting for Liberty Global, where are the meetings held? Does Mr. Malone disassociate himself from U.S. interests during those meetings? When John Malone discusses Charter behind closed doors with fellow directors, does he disassociate himself from non-U.S. operations and interests?

34. In June 2015 Variety published the article, *Why the Cloud Is Key to Charter's Big Deal for Time Warner Cable*, which directly links Charter with Liberty Global, excerpted:<sup>19</sup>

Anyone looking to understand the reasons behind the \$78.7 billion deal that Charter Communications struck with TW Cable last week need look no further than their own set-top box.

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<sup>18</sup> <http://www.bangordailynews.com/2014/11/03/business/maines-largest-landowner-billionaire-media-magnate-avoids-millions-in-taxes-with-inversion-deal>.

<sup>19</sup> <http://www.variety.com/2015/biz/news/cloud-charter-time-warner-cable-deal-1201510642>.

...cable analyst Craig Moffett believes it was key in making the numbers line up for Charter's acquisition of Time Warner Cable. "This deal may not have been possible, at least at this price, without ActiveVideo's technology," he said.

For Charter, moving in that direction seems like a natural fit. John Malone's Liberty Global empire, which owns a significant stake in Charter, already has begun to add YouTube to some of its cable TV properties in Europe...through ActiveVideo's technology....

35. BusinessWire's August 2015 article, *Cross MediaWorks Acquires BlackArrow to Drive TV Ad Technology Across All Screens*, links the Applicants with Liberty Global.<sup>20</sup>

Reaching more than 40 million homes, BlackArrow provides software solutions that help the global pay-TV industry deliver more timely and efficient sales and marketing messages, extend TV services to new platforms, and gain real-time measurement and audience insights across multiple screens. BlackArrow customers include leading pay-TV operators such as Time Warner Cable, Comcast, Charter Communications, Bright House Networks, Rogers Communications, Liberty Global and Virgin Media.

36. According to an article by NPR published in May 2015, *Relentless Cable Mogul John Malone Works Behind The Scenes*, Mr. Malone envisioned Liberty Global operating in the U.S. The following is an excerpt of the article's reference to a CNBC interview:<sup>21</sup>

John Malone: I think it's highly likely that Charter will be the gravitational center of consolidation because Comcast, if this deal's approved, is pretty much maxed out – OK? – in terms of the U.S.

David Faber: Are you, one day, going to sell Liberty Global to Brian? [Comcast CEO]

Malone: Or maybe Liberty Global will buy Brian.

Faber: Would Liberty Global be large enough to buy Comcast?

Malone: You never know.

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<sup>20</sup> <http://www.businesswire.com/news/home/20150824005350/en/Cross-MediaWorks-Acquires-BlackArrow-to%20A0Drive-TV-Ad>.

<sup>21</sup> <http://www.npr.org/2015/05/27/409939134/relentless-cable-mogul-john-malone-works-behind-the-scenes>.

37. It is a mistake not to identify the global nature of the Transaction because of the players. The fact that Liberty Global and Liberty Global Ventures have not been brought into the picture proves that the peddled idea of ‘inevitable industry consolidation’ has been diversionary. Perhaps the article published by Fierce Wireless in August 2014 can further the point, titled *Wi-Fi group attracts cable companies, Charter, Liberty Global as new members*, excerpted:<sup>22</sup>

The new members are joining WBA [Wireless Broadband Alliance] “at a pivotal time when Next Generation Hotspot (NGH) networks are now a commercial reality and operators are reaping the benefits of an improved carrier-grade of Wi-Fi,” the group said.

“These new additions join at a critical time when the benefits of Wi-Fi have been fully recognized and solutions such as NGH, carrier Wi-Fi and community Wi-Fi have finally broken in to the commercial world. Our new members play a crucial role in ensuring that consumers connecting to a Wi-Fi network will be exposed to the best user experience possible, regardless of time or location,” said Shrikant Shenwai, WBA CEO.

#### **D. Immeasurable surveillance capabilities**

38. The Reuters article I referenced, dated May 8, 2014, contained a peculiar statement:

Liberty Broadband will house Liberty’s stake in Charter Communications, which was worth \$3.31 billion as of March 31, as well as investments in Time Warner Cable and the small location technology company True Position Technologies Inc.

39. The word small in that article was deliberate. If the journalist was going to use the word small, it should have been before the word investment, as in “small investment” in Time Warner Cable. But it was likely written to deliberately mislead that True Position was insignificant.

40. I can only hope that the Federal Communications Commission is not engaged or involved in the agenda to increase U.S. government global surveillance capabilities that directly impact common, law-abiding citizens that may oppose government and/or major corporate interests at some point in the future and find themselves under immeasurable surveillance.

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<sup>22</sup> <http://www.fiercewireless.com/tech/story/wi-fi-group-attracts-cable-companies-charter-liberty-global-new-members/2014-08-27>.

41. How would you like to be working in private on something that opposes powerful people and have planes flying overhead trying to infiltrate your laptop and/or intercept communications?
42. How would you like it if you asked your neighbor to use his Charter Internet service via his Wi-Fi router and discover that the MAC addresses for your devices have been blocked so that the Wi-Fi signal is received but nothing happens?
43. How would you like it if when you went down the street and used free AT&T Wi-Fi at the local FedEx Office, about 20-25 minutes later the anticipated plane arrives quickly to the location then slowly flies directly over the building at a low altitude and circles around?<sup>23</sup>
44. How would you like it if your mother spoke on the phone expected to be tapped that you were going to your sister's house to clean up the backyard for her, and when your mother's car with SiriusXM arrived, for the next two hours several planes crisscrossed and circled the house?
45. How would you like to be working on your laptop, hear a plane flying, run your Disk Cleanup tool and discover that yet again a Temporary Internet File had been added, even though you were not connected to the Internet and the internal Wi-Fi card was set as disabled?
46. How would you like to be walking down the street, hear the same familiar plane engine, not know where it is, then suddenly see it fly just above the trees directly over where you live?
47. How would you like to witness a four-propeller Coast Guard-looking plane, private jet and helicopter all show up in quick successive order, and when hearing the helicopter—but not yet seeing it—know that it is for you and it shows up flying hundreds of feet from the ground directly above you in broad daylight, and anticipatngly circles, as you, your mother, the landlord and others stand in the parking lot watching?

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<sup>23</sup> Generally departing from the Modesto City-County Airport, located about 10 miles away, and other times from the Turlock Municipal Airport located about 10 miles away in the opposite direction.

48. How would you like it to know that when your mother says to her friend on her tapped AT&T landline phone that you are about to go to McDonald's, planes show up and crisscross above the restaurant after her SiriusXM car had dropped you off?

49. How would you like it if you went for a walk, sat down on a curb enjoying the nice weather, when all of a sudden a plane flies in front of the nearby cell phone tower and briefly leans with the belly pointed in the direction of where you live?

50. How would you like to look at the sky and know that a plane is there because of *you*? It's not exhilarating. Like a mosquito, it's annoying; and like a shark, the intentions are unknown. The questions remain, who has ordered it and who is paying for such an enduring operation?

51. I can not prove that what I and others have witnessed has occurred. I can not prove that the Coast Guard-looking plane flew over the apartment at 1:30 a.m. one night, so closely that my mother described it as just above the roof. I can not prove any of it, but my mother has lived in her apartment for 27 years, I have been staying with her for several years, and we began to notice the planes starting on October 9, 2015; and daily maneuvers have continued ever since. And just as I was proofing *this* page I clicked on Disk Cleanup, and yet more files somehow appeared:

51. I can not prove that what I and others have witnessed has

the Coast apartment at 1:30 a.m.

mother do not prove any of

her apart with her for several

the plane maneuvers have

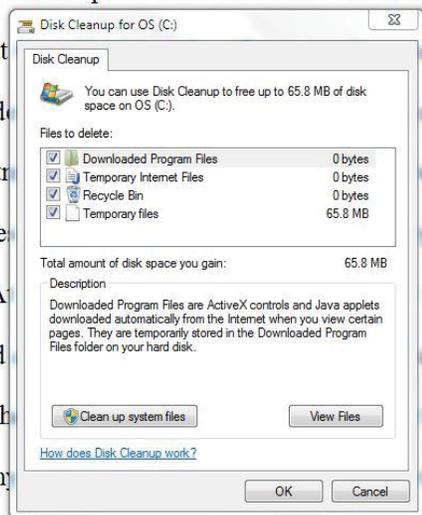
52. A to the Commissio

appeared milar striped twin

and another conveys is that the

or else my ved a visit by now

53. Liberty's Counsel may try to pass this off as outlandish lil



52. At one point as I wrote this very comment to the Commission, a small dark-colored plane appeared and flew over several times, then the familiar striped twin-propeller plane, white plane, and another twin-propeller plane—I watched them. And what that conveys is that they are not government planes, or else my mother’s apartment would have received a visit by now.

53. Liberty’s Counsel may try to pass this off as outlandish like Charter did to the Missouri Attorney General via a letter dated December 10, 2015. But does the Commission need evidence to accept what I am saying? No, because it could just as well be regarded as an analogy.

54. Liberty Broadband owns a subsidiary that utilizes planes for locating devices, directly or indirectly related to the U.S. E9-1-1 Mandate. It is a Liberty-related company, not Charter, that would send planes my way, because it is Liberty-related companies that would indirectly gain from the Transaction in an immeasurable way through direct affiliation.

55. There is something more that should be of record, and that is my Dell laptop will not stop searching for wi-fi signal when I start up Windows 7. No matter what I have turned off, making my laptop start with basic functions, the wi-fi will not stop searching when I initially start up the laptop. And that matters, because for me planes will not be around for several hours until I turn my laptop on and neighboring wi-fi routers pick up the wi-fi search and someone, somewhere is alerted that that occurred. I have witnessed the correlation many, many times.

56. With a behind-the-scenes network of companies in the content, technology, Internet and distribution space, New Charter could cause an unprecedented, irreversible situation where every aspect of electronic access to a consumer (or any person) is immeasurably facilitated.

57. I note William Lake’s open letter of January 4, 2016, which states: “The Commission has a strong interest in ensuring a full and complete record upon which to base its decision in this proceeding.” Therefore, I urge the Commission to fully review Liberty Global within the context

of non-consolidated conglomeration, including a network of ventures and TruePosition, to which the Transaction would result in consequential consolidation of control in every aspect of data collection, surveillance, unsolicited locating of innocent people, and so much more.

[Part II on next page]

## II. DIVERSITY

58. In my December 27, 2015 Reply to Responses/Oppositions Supplement, I stated that the Commission could not consider Charter’s low-income offering as anything but collusion.<sup>24</sup> The same is true regarding the recent declaration that the board of directors of New Charter would be race-diverse *after* the close of the Transaction *within two years*.<sup>25</sup>

59. How convenient that after completely solidifying and establishing the Transaction, that race diversity would be brought in. Collusion exists in the way Charter’s CEO presented the turn of events, because the referenced article published by Multichannel.com reveals:

As part of the MOU, Charter—which is waiting on the FCC to approve its proposed merger with Time Warner Cable and, in some quarters, facing off against skepticism from programming companies—has agreed to appoint an African-American, Asian-American/Pacific-Islander and one Hispanic American to its newly formed board of directors once the merger is complete.

“While we are committed to [diversity] today, we will be a much bigger, more high-profile kind of organization so we will make a public commitment to diversity with binding obligations on us,” Rutledge said.

60. Charter has made a discriminatory commitment to a tunnel-vision diversity involving people with black, brown and tan skin. In Charter’s insatiable quest they promised *race* diversity, slapping the Equal Employment Opportunity Commission in the face.

61. PRNewswire.com published an article about the event, and quoted Mr. Rutledge:<sup>26</sup>

“We are very pleased to have reached this important memorandum of understanding, which reflects our commitment to the fundamental values of diversity and inclusion.”

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<sup>24</sup> Pg. 20

<sup>25</sup> See MultiChannel article, January 15, 2016 at <http://www.multichannel.com/news/publicservice/charter-makes-diversity-pledge-groups/396589>.

See TheHill article, January 15, 2016 at <http://thehill.com/policy/technology/266079-charter-makes-diversity-commitments-as-part-of-time-warner-deal>.

<sup>26</sup> PRNewswire article, January 15, 2016 at <http://www.prnewswire.com/news-releases/charter-and-multicultural-leadership-organizations-reach-significant-agreement-on-diversity-and-inclusion-efforts-300205135.html>

62. The fact that Charter’s CEO acknowledged a lack of diversity because Charter was not “much bigger, more high-profile” is a testament to desperate, unethical leadership at the top. Again, as with the low-income offering, I urge the Commission to examine the collusive nature of commitments made seven months after the Applications were submitted.

63. As an interested person, it seems shameful that Mr. Rutledge would describe the *delayed* and *contingent* commitment as a reflection of Charter’s commitment to fundamental values. It is a blatant mockery that the commitment is to pick *one* black, *one* brown, and *one* tan. And if they pick just like Ms. Pringle was picked as a director for SiriusXM, they may just choose one from Liberty Global, one from Liberty Media, and one from Liberty Interactive—it’s just that farcical.

[Part III on next page]

### III. PRICING

64. I am not an attorney. I am a consumer who initiated a comprehensive billing dispute with Charter in April 2014. When Charter unilaterally terminated my account in October 2015, the outstanding, disputed balance was \$125.93. Charter was aware that hundreds of dollars had been spent in postage, facsimiles, photocopies, etc., but something peculiar occurred: Charter accepted my Demand for Arbitration after ignoring an almost-identical demand one year earlier.

65. Charter paid the administrative fees owed to the American Arbitration Association. But why would they do that? Why would a company, secure in their position about an insignificant billing dispute, obtain outside counsel for the arbitration, agree to pay filing fees and arbitrator fees, then transfer my account to a collection agency after the arbitrator was named?

66. It should be known to the Commission that Charter is not in a winning position, and this indirectly relates to Charter's December 11, 2015 letter submitted to the Commission regarding pricing and packaging methodology.

67. The timing is interesting, because the arbitrator was named on December 10, then Charter submitted the letter to the Commission on December 11—without naming anyone copied—and my account was transferred to a collection agency on December 13.

68. Here is the core of my dispute: no matter what the industry has done as normal practice, I have alleged that Charter had botched service agreements that did not provide legal basis for the practice of applying 'standard' rates aside from the rate that was being charged month by month for customers who obtained standalone Internet service prior to October 1, 2014. As mentioned in my September 27, 2015 Comment, the issue likely involves or involved more than 20% of Charter's customer base.<sup>27</sup>

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<sup>27</sup> Pg. 1

69. After my allegation, there was elaborate effort to appear as though Charter Internet<sup>®</sup> was pre-planned to become Charter Spectrum Internet<sup>™</sup> with significantly re-written and re-structured terms of service effective October 1, 2014 that bound customers to arbitration and prohibited any class action—six months after my initial dispute addressed to Tom Rutledge, Charter’s CEO.

70. Now, almost two years after my initial dispute, an arbitration case is pending, specifically pertaining to contract interpretation of whether my account was subject to an arbitration clause prior to October 1, 2014, and whether my billing dispute is subject to the new terms effective October 1, 2014.

71. Charter agreed to that arrangement the second time around.<sup>28</sup> The likely reason is that I made it public via MB Docket 15-149 and Charter could no longer ignore it. The Commission should ask Charter why the decision was made to proceed with arbitration for an outstanding customer balance of \$125.93 for an account that was then transferred to a collection agency. The collection agency informed me via email on January 5, 2016: “...please be advised that we are waiting on a response from the client in reference to your dispute.”

72. My matter, of which I give Commission staff full permission to inquire is directly related to the Transaction,<sup>29</sup> because if I am right, potentially more than one million similar customers received individual rate increases for standalone Internet service using the disguise of legally-baseless and ambiguous tiered promotion periods prior to charging a legally-baseless “standard” rate.

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<sup>28</sup> My first Demand for Arbitration dated October 31, 2014 was entirely ignored by Charter, even to the present.

<sup>29</sup> Three identical compact discs were received by the Commission on October 5, 2015 via Priority Mail (tracking number 9405803699300079638616). Three updated replacements were received on October 13 via Priority Mail (tracking number 9407803699300019494645). These contain most of my correspondence with Charter. Also, my Demand for Arbitration of October 15, 2015 was posted for MB Docket 15-149 as an attachment to my letter to the FCC of the same date. The purpose of posting that Demand was not to coerce—although I considered it may prompt Charter to act—but it was posted to inform the Commission of the broad issues contained in the Demand and that a customer had such issues that had reached the level of demanding arbitration during the review.

## CONCLUSION

73. There may be a correlation between Charter’s outside counsel receiving an emailed copy of my 75-page PDF statement for the arbitrator on December 31, 2015 and Liberty’s Chief Legal Officer selling 179,410 Liberty shares days later. Richard Baer has several recent SEC filings:

<i>Transaction</i>	<i>Entity</i>	<i>Securities Disposed</i>	<i>Title</i>
12/15/2015	Liberty Broadband Corp.	3,384	SVP, General Counsel
12/15/2015	Liberty Interactive Corp.	25,387	SVP, General Counsel
12/15/2015	Liberty Media Corp.	13,536	SVP, General Counsel
12/15/2015	Liberty TripAdvisor Holdings, Inc.	2,121	SVP, General Counsel
01/05/2016	Liberty Broadband Corp.	40,436	Chief Legal Officer
01/05/2016	Liberty Media Corp.	77,025	Chief Legal Officer
01/05/2016	Liberty TripAdvisor Holdings, Inc.	28,845	Chief Legal Officer
01/06/2016	Liberty Broadband Corp.	3,581	Chief Legal Officer
01/06/2016	Liberty Media Corp.	29,523	Chief Legal Officer
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		223,838	

74. I am familiar with Richard Baer, because his was the fax number I found with Internet research to fax my letter of August 11, 2014 addressed to John Malone when Liberty Broadband was not yet official. That letter is contained on the CDs sent to the Commission in October 2015.

75. There is a distinction between consolidation and spin-offs. How is it that John Malone is known for consolidating the industry during the same time Greg Maffei is known for spin-offs? If you asked me if I opposed the AT&T-DIRECTV deal, I would say no. The reason I oppose the current Applications is because they were initiated by sneaky people with sneaky intentions; and if they gain approval, they will only become worse. That’s a simple answer, but obviously all of my comments were written to expose Charter’s board of directors.