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## LATHAM & WATKINS LLP

February 11, 2016

### VIA ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

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**Re: Notice of *Ex Parte* Presentation, Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to the Transfer of Control of Licenses and Authorizations, MB Docket No. 15-149**

Dear Ms. Dortch,

On February 9, 2016, representatives of Charter Communications, Inc. (“Charter”), Time Warner Cable Inc. (“TWC”), and Advance/Newhouse Partnership met with the Commission staff copied below. Participating for Charter were Catherine Bohigian, Executive Vice President, Government Affairs; Alex Hoehn-Saric, Senior Vice President, Government Affairs; and John Flynn and Samuel Feder of Jenner & Block. Participating for TWC were Steven Teplitz, Senior Vice President of Government Relations, and the undersigned, of Latham & Watkins. Steven Horvitz of Davis Wright Tremaine participated on behalf of Advance/Newhouse Partnership.

During the meeting, TWC responded to an ex parte filing by NVIDIA Corporation, in which NVIDIA asserted that “Time Warner Cable has been more willing to integrate with SHIELD TV than Charter, though Time Warner Cable also blocks use of certain [TV Everywhere (“TVE”)] apps on SHIELD TV.”<sup>1</sup> As Charter recently explained, it does not “block” access to TVE apps.<sup>2</sup> Nor does TWC. We explained that NVIDIA appears to

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<sup>1</sup> Letter from Markham C. Erickson, Counsel to NVIDIA Corporation, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-149, at 7 n.12 (Jan. 20, 2016).

<sup>2</sup> Letter of Samuel L. Feder, Counsel to Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-149, at 3 (filed Feb. 9, 2016).

misapprehend the process that determines MVPD subscribers' access to programming via TVE apps. A programming provider must grant the MVPD rights to access the programmer's content via its TVE app. Where TWC has been granted the contractual right to distribute content via a programmer's TVE app, TWC should be listed among the menu of participating MVPDs, whether on an NVIDIA device or any other Android TV device that is compatible with the programmer's app. By contrast, if TWC has not been granted such rights, it would not be listed as a participating MVPD. In such circumstances, far from improperly "blocking" access to any content, TWC would not have the legal right to authenticate its customers' access via the programmer's TVE app.

Please contact the undersigned if you have any questions regarding this submission.

Sincerely,

*/s/ Matthew A. Brill*

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*Counsel for Time Warner Cable Inc.*

cc: Adam Copeland  
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Jonathan Sallet  
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