

# **Herring Networks, Inc.**

**4757 Morena Blvd. San Diego, CA 92117**

**Ph: 858-270-6900 Fax: 858-270-6901**

February 19, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: MB Docket No. 15-149, Submitting Party – Herring Networks, Inc., dba One America News Network and AWE.**

**Ex parte filing post phone call regarding the Application of Charter Communications, Inc. (“Charter”), Time Warner Cable Inc. and Advance / Newhouse Partnership for Consent to Transfer Control of Licenses and Authorizations (The Charter - TWC Merger)**

Dear Ms. Dortch:

This ex parte notice is filed on behalf of Herring Networks, Inc. On February 16, 2016, Charles Herring, President of Herring Networks, Inc. spoke telephonically with Owen Kendler, Transaction Working Team Leader, Office of General Counsel, Ty Bream, Attorney Advisor, Media Bureau, Mary Beth Murphy, Chief, Policy Division, Media Bureau, and Julie Saulnier, Attorney Advisor.

Mr. Herring provided two documents for the call, namely a document entitled **“PROPOSED CONDITION: NEW CHARTER MUST CREATE ROOM ON ITS PLATFORM FOR INDEPENDENT NETWORKS FORCED TO ACCEPT ANTI-COMPETITIVE PROHIBITIVE EXHIBITION OVER-THE-TOP (“OTT”) PROVISIONS”** and a document entitled, **“PROPOSED CONDITION: NEW CHARTER MUST MAKE ROOM ON ITS PLATORM FOR INDEPENDENT NEWS SERVICES”**.

Mr. Herring provided a summary of each merger condition as shown in the documents. In addition, Mr. Herring encouraged the FCC to negate all alternative distribution method (“ADM”) provisions in programmer’s affiliation agreements with Charter Communications, Time Warner Cable, and Bright House (aka Advance / Newhouse Partnership). Further, Mr. Herring urged the FCC to adopt merger condition language to address potential retaliatory action by New Charter against programmers that have raised ADM provision concerns or deployed/deploy OTT services.



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If there are any questions, please feel free to contact the undersigned.

Respectfully submitted,

*Charles P. Herring*

Charles P. Herring  
President  
Herring Networks, Inc.

Cc: Owen Kendler  
Ty Bream  
Mary Beth Murphy  
Julie Saulnier

