March 4, 2016

EX PARTE PRESENTATION

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

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

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter summarizes a meeting on March 2, 2016 between Owen Kendler, Attorney, Office of General Counsel and representatives from DISH Network Corporation ("DISH") and Public Knowledge ("PK"). Present on behalf of DISH were Jeffrey Blum, Senior Vice President and Deputy General Counsel, and Alison Minea, Director and Senior Counsel. Present on behalf of PK were Gene Kimmelman, President and CEO, and Meredith Rose, Staff Attorney.

During the meeting, DISH and PK explained that the pending merger of Charter Communications, Time Warner Cable and Bright House Networks (together, the "Applicants") presents serious competitive concerns for the broadband and video marketplaces. This transaction would permit and motivate the combined company ("New Charter") to hurt or destroy online video rivals, including the Sling TV over-the-top ("OTT") video service through its control over the broadband pipe. Post-merger, New Charter would be the dominant broadband provider in many of the country's largest and most important geographic markets (including New York, Los Angeles, and Dallas, among others). In addition, together New Charter and Comcast would create a duopoly in the broadband market, controlling at least 70 percent to as high as 90 percent of the high-speed broadband homes in the country. The impact of this broadband consolidation would be particularly acute for New Charter customers, given that approximately two-thirds of customers in the New Charter footprint would not have access to a competing high-speed broadband alternative.

As a result of this transaction, New Charter will have an increased incentive to harm new and emerging OTT services that compete with the combined company's video offerings. And, due to its increased size and scale, New Charter will have a number of tools at its disposal to harm these competing services, including, among other things: (1) usage-based pricing designed to harm competing OTT services; (2) contractual restrictions on third-party programmers that will limit their ability to grant online rights to competing online video distributors ("OVDs"); (3) interference with, or discrimination against, OVDs on the public Internet portion of its broadband pipe; (4) charging interconnection fees to thwart competing OTT services at the points of interconnection to its broadband network; and (5) undermining OTT services by manipulating the pricing of its broadband offerings to discourage or prohibit customers from taking a standalone broadband product.

The harm that would result from the use of ***any*** of the tactics described above could deal a significant blow, if not destroy, a fragile OVD service in its infancy. The Commission therefore must find workable remedies for all of the harms presented by this transaction, including the threats posed by the anti-competitive methods discussed herein.

Respectfully submitted,

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cc: Owen Kendler