

March 5, 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,

In my letter to the Commission dated February 4, 2016 I emphasized that John L. Flynn, counsel representative for Charter Communications, deliberately submitted a public filing using the disguise of Highly Confidential for information that was in no way highly confidential.¹ I even sited an online news article in 2013 as proof.

The same day that letter was filed Charter’s CEO, Tom Rutledge, confirmed the point by providing publicly once again updated information that Mr. Flynn deemed as Highly Confidential. In 2013, Mr. Rutledge mentioned that 1.3 million of his 5.5 million customers did not want TV.² However, on the same date as my letter in February, Seeking Alpha published the earnings call transcript for Q4 2015 in which Mr. Rutledge noted:

“We finished 2015 with 6.7 million residential and small business customers....Nearly one-third of our total residential customers, close to 2 million customers, are now non-video customers and that grew by about 18% year-over-year. As of the end of the fourth quarter, nearly 90% of our residential Internet customers subscribed to Internet service that provided speeds of 60 megabits or more.”³

¹ In Mr. Flynn’s January 29 cover letter, he stated: “...This is consistent with Charter’s experience—approximately [BEGIN HIGHLY CONFIDENTIAL INFORMATION] [END HIGHLY CONFIDENTIAL INFORMATION] of Charter’s residential subscribers do not subscribe to video.”

² <http://www.businessinsider.com/charter-cable-ceo-surprised-that-customers-want-internet-not-tv-2013-11>

³ <http://seekingalpha.com/article/3866826-charter-communications-chtr-thomas-m-rutledge-q4-2015-results-earnings-call-transcript> dated February 4, 2016.

Additionally, as an interested person and California-based consumer, I note what was filed in California on March 1, 2016 by Lindsay Brown, Attorney for The Office of Ratepayer Advocates within the California Public Utilities Commission. Excerpted, the 59-page brief states:

“Indeed, in reviewing the Joint Applicants’ filings both at the CPUC and the FCC, as well as the parties’ testimony, one would be hard-pressed to discern what the benefits of this proposed merger actually would be. Joint Applicants rely on hypothetical and non-committal statements to press their case that there are tangible public benefits to the merger. For example, in the FCC Declaration of Dr. Fiona Scott Morton the words “likely” or “unlikely” appear approximately 39 times. Statements about what is “likely” or “unlikely” to occur if the merger is approved are mere conjecture, not facts or empirical evidence.

The Joint Applicant’s identify only two concrete merger-specific public interest “benefits” concerning the post-merger entity’s purported improved ability to compete in the “enterprise market,” which they attribute to its expanded geographic scope relative to that of any of the individual merger partners standing alone, and a low-income broadband program. While there may be a merger-specific benefit with regard to the enterprise market in California, that benefit is extremely small when compared to the harms that the merger will cause. Furthermore, each Joint Applicant could adopt the same proposed low-income broadband program....the Joint Applicants have not even made any commitment to lower prices to California customers.”⁴

The likelihood of Charter’s current chief executive officer and board of directors “doing the right thing” regarding consumers when it matters most is minimal. I owe it to the Commission to provide an important update to my personal interaction with Charter Communications as it pertains to my customer account that was unilaterally terminated in October 2015.

On page 17 of my November 12, 2015 Reply to Responses/Oppositions, I detailed events regarding Charter’s handling of my billing dispute by terminating my service, even though I had not been late to pay the undisputed portion of the month-to-month bills for more than 30 months.

On page 22 of my December 27, 2015 Supplemental Reply to Responses/Oppositions, I mentioned that Charter transferred my account to a collection agency three days after receiving notification of the named arbitrator in which Charter had paid the necessary funds to proceed.

The arbitrator was confirmed and had issued both a scheduling order and subsequent order before being replaced due to my clear objections of collusion and/or favoritism to the respondent. The new arbitrator was named, a retired California superior court judge, but I submitted a 29-page statement of withdrawal dated February 14 due to incidents that caused me to lose all trust in the American Arbitration Association’s ability to remain neutral in the matter. But before I withdrew, Charter’s third-party counsel in Saint Louis submitted a counterclaim in the amount of \$125.93 on February 9, 2016.

⁴ <http://www.multichannel.com/news/cable-operators/california-watchdog-asks-puc-reject-charter-twc-merger/403069>
The filing is located at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M159/K241/159241049.PDF> (See pages 23 and 26).

Not only was it well established that my account had been transferred to a collection agency in December, thereby inhibiting Charter from presenting a counterclaim in February, but the amount of the counterclaim was arbitrary. On February 11, I emailed a letter directly to Charter's Executive Vice President, General Counsel and Corporate Secretary, Richard Dykhouse, and copied several people, including the representative at the collection agency who had previously responded.

In that letter I mentioned that I had recently submitted complaints to the New York Attorney General's office and the Consumer Financial Protection Bureau against the agency. At 5:08 a.m. Pacific time the next morning I received the following email from Sunrise Credit Services:

"Mr. Sheridan, Please be advised that the account is closed in our office and the client has advised that the account is in arbitration. I apologize for any inconvenience this has caused. You will not be contacted by SCS in reference to this account again."

My February 11 letter to Mr. Dykhouse stated: "I expect a written response from Charter to be sent no later than Wednesday, February 17, 2016 via a named representative to inform me of the current status of my comprehensive dispute." The Commission should know that as of today the last time I received a response from a named Charter representative was via FedEx overnight service (tracking number 773983203077) from a vice president in July 2015. The letter I received specified that my billing dispute remained open—fifteen (15) months after my initial letter to Charter's CEO.

On February 15, 2016 I emailed one of Charter's directors, Michael P. Huseby, Executive Chairman of Barnes & Noble Education, following up with my letter to him dated June 22, 2015 (USPS tracking number 9407803699300016986037).⁵ And on February 24 Bloomberg published the article, *Comcast 'Blindsided' Us on Time Warner Cable, Says Charter Chairman Zinterhofer*.⁶

Charter executives and other representatives are not providing to the Commission known issues that will or may lead to a consumer class action involving more than one million customers. I again give the Commission permission to speak with Charter representatives about my matter; not for the sake of resolving my dispute or intervening on my behalf, but to expose the true nature of Charter's position regarding consumer benefit and true handling of a customer when the matter may assist in disapproval of the Applications as it pertains to current obligations and intent.

Sincerely,



Shawn Sheridan
Turlock, California

cc: [names listed on the following page]

⁵ Three identical compact discs were received by the Commission on October 13, 2015 (USPS tracking number 9407803699300019494645). My letter of June 22, 2015 was included; also see my letter of February 4, 2015.

⁶ <http://www.bloomberg.com/news/articles/2016-02-24/deal-of-the-week-comcast-blindsided-us-on-time-warner-cable-says-charter-chairman-zinterhofer>—a probable attempt to divert focus from Charter's top leaders.

cc: Ty Beam
Jim Bird
Christopher Clark
Adam Copeland
Matthew DelNero
Hillary DeNigro
Daniel Kahn
Owen Kendler
William Lake
Vanessa Lemmé
Elizabeth McIntyre
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