

# **Herring Networks, Inc.**

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March 14, 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 in person visit at the FCC 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 March 11, 2016, Charles Herring, President of Herring Networks, Inc. and Gene Kimmelman, President and CEO of Public Knowledge met with Owen Kendler, Transaction Working Team Leader, Office of General Counsel, Kiley Naas, Office of the General Counsel, Brendan Holland, Chief, Industry Analysis Division, Media Bureau, and Betsy McIntyre, Senior Counsel, Competition Policy Division, Wireline Competition Bureau.

Mr. Herring provided a brief overview of AWE and One America News Network and its historic relationship with Charter Communications.

Mr. Herring provided two documents for the meeting, 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 /



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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.

Mr. Herring stated that there were over 150,000 comments filed in MB Docket 15-149 and that he believes roughly 50,000 are due to passionate viewers of One America News Network and AWE. Three examples of filed comments were supplied.

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, FCC  
Kiley Naas, FCC  
Brendan Holland, FCC  
Betsy McIntyre, FCC  
Gene Kimmelman, Public Knowledge

