David R. Goodfriend, Esq.
1300 19th Street, NW 5th Floor
Washington, D.C. 20036

March 21, 2016

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

Dear Ms. Dortch:

The undersigned today sent via email, on behalf of beIN SPORTS, the attached proposed merger condition to David Grossman, Chief of Staff and Media Policy Adviser to Commissioner Mignon Clyburn; William Lake, Chief, Media Bureau; Brendan Holland, Chief, Industry Analysis Division, Media Bureau; Hillary DeNigro, Associate Bureau Chief, Media Bureau; Jim Bird, Senior Counsel, Office of the General Counsel, and Carolyn Davis.

Numerous parties have argued in detail that the proposed merger in this docket poses a threat to competition and media diversity. Independent programmers, particularly in the sports format, will face increasing challenges as traditional and emerging “Over-the-Top” distribution becomes harder to secure in a consolidated cable and broadband market.

Merger conditions that codify so-called “Memoranda of Understanding” between the applicants and public interest or civil rights groups have proven inadequate. Independent programmers cannot rely on the good intentions of third party organizations that lack industry experience. Moreover, the sports programming market in which networks must compete worldwide to acquire U.S. distribution rights often puts independent voices at a distinct disadvantage compared to MVPD- and broadcaster-affiliated networks.

Finally, to minority ethnic groups in the U.S., such as Latinos, who often face a paucity of media outlets serving their needs, the presence of innovative, creative, and effective independent networks provides a critical source of competition and diversity in the media landscape.

To that end, beIN SPORTS proposes a focused, clear, strong merger condition addressing the particular challenges faced by independent sports programmers.

Sincerely,

__/s/______________
David Goodfriend

cc: David Grossman
William Lake
Brendan Holland
Hillary DeNigro
Jim Bird
Carolyn Davis

Proposed Merger Condition

Within sixty (60) days of the date of this Order, and for ten (10) years thereafter, New Charter shall carry on its linear video programming service, on all of its cable systems nationwide, one or more Independent Sports Networks--

a) in the same manner as New Charter carries its proprietary sports networks (e.g., Time Warner Cable Sports Network on New Charter's Los Angeles systems), including without limitation channel positioning in the sports programming neighborhood, and carriage on the most widely available programming tier;
b) in a manner equal or comparable to other nationally distributed sports programming services (e.g., ESPN, Fox Sports Network) on any navigation user interface; and
c) without limiting Independent Sports Network's ability to distribute its content, including branded content not distributed on New Charter video programming services, using Alternative Distribution Methods.

"Independent Sports Network" means a non-broadcast, linear video programming network that (i) is not, under the Commission's general attribution rules, owned or controlled by any Multichannel Video Programming Distributor or broadcast licensee; (ii) features predominantly (i.e., more than 50% of its programming) live, non-U.S. originated sports programming; and (iii) serves a Hispanic audience in the U.S., as established by the Nielsen rating service.

"Alternative Distribution Method" means exhibiting or receiving any full-length and real-time, delayed or on-demand programming from the Independent Sports Network via the Internet, high speed data or broadband, to any device, including (without limitation) computers, personal/portable electronic devices (*e.g.*, notebook computers), and/or to wireless devices (*e.g.*, mobile phones) either inside or outside the area served by New Charter.

"New Charter" means the combined Charter Communications, Time Warner Cable, and Bright House Networks cable systems approved by this Order.