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March 25, 2016

By ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

On behalf of INCOMPAS, the undersigned and Angie Kronenberg, Chief Advocate and General Counsel, INCOMPAS, met with David Grossman, Chief of Staff and Media Policy Advisor, Office of Commissioner Mignon Clyburn, on March 23, 2016. We discussed INCOMPAS's March 7, 2016 meeting with Commission staff in which we explained that the proposed Transaction would result in net public interest harm due to its adverse effects on competition for local broadband Internet access services. Specifically, the proposed Transaction would result in a significant increase in prices that programmers pay for distribution of their video content to households served by the parties to the Transaction. Further, the parties' increased market power over the distribution of video programming resulting from the Transaction would raise barriers to entry and reduce competition in local residential broadband Internet access service markets.

To remedy this public interest harm, INCOMPAS requests that the Commission require New Charter to join a video programming purchasing cooperative (the "Cooperative") as a condition of its approval of the proposed Transaction. The Cooperative would provide a market-based, structural remedy to the harms identified by the proposed Transaction. It would promote residential broadband competition by promoting access to programming for competitive broadband providers entering new markets or expanding their existing networks. Further, it would enable new broadband entrants to offer bundled services, gain subscribers, and thus enable them to increase buildout when they otherwise would not have a business case to expand.

INCOMPAS representatives discussed the structure of the proposed Cooperative, as described in the PowerPoint presentation shared with Mr. Grossman and previously filed with

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the Commission.¹ Because the Cooperative would address the harm to broadband competition created by the proposed Transaction, INCOMPAS reiterated its request that the Commission require New Charter to join the Cooperative as a condition of approval of the proposed Transaction.

We also discussed INCOMPAS's request that New Charter be required to extend its interconnection policy for seven years and that such a policy incorporate the concessions New Charter has already agreed to and address the remaining deficiencies in New Charter's policy.² A reasonable agreement would need to last for longer than New Charter's proposed three-year period to ensure stability, performance, and scalability for the Internet ecosystem. A seven-year commitment would be reasonable, given the significant and long-term impact of the proposed Transaction.

Sincerely,



Damon J. Kalt
Counsel for INCOMPAS

cc: David Grossman

¹ See Letter from Markham C. Erickson, Counsel for INCOMPAS, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-149 (March 9, 2016).

² See Reply of INCOMPAS, MB Docket No. 15-149 at 14-16 (Nov. 12, 2015).