April 5, 2016

BY ECFS

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

Re: Notice of Ex Parte Letter, 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:

In accordance with the Protective Order in the above-captioned proceeding, NVIDIA Corporation submits the attached public, redacted version of its ex parte letter dated April 5, 2016. Redacted Highly Confidential information is denoted with “{{BEGIN HCI END HCI}}.” A Highly Confidential version of this letter is being simultaneously filed with the Commission.

Please contact me with any questions.

Respectfully submitted,

[Signature]

Markham C. Erickson
Counsel for NVIDIA

Enclosure
April 5, 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 NVIDIA Corporation, on April 1, 2016 the undersigned spoke with Owen Kendler, Office of General Counsel, by phone. On April 4, 2016 the undersigned and Andrew Golodny of Steptoe & Johnson, LLP, met with David Grossman, Chief of Staff and Media Policy Advisor for Commissioner Clyburn. In both instances, we discussed NVIDIA’s filings in the above-referenced docket,1 and reiterated NVIDIA’s request that if the transaction is approved, the Commission impose a reasonable condition that would prohibit Charter from continuing to restrict, degrade, and interfere with the use of NVIDIA’s SHIELD TV device and other lawful, non-harmful devices. Specifically, NVIDIA proposed that the Commission adopt the following condition before approving the transaction:

At the request of a manufacturer of any lawful, non-harmful device that connects to the Internet, Charter shall, within 180 days, authenticate any video programming application:

1 See Letter from Markham C. Erickson, Counsel for NVIDIA, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-149 (Jan. 20, 2016); Letter from Markham C. Erickson, Counsel for NVIDIA, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-149 (Feb. 17, 2016).
(1) designed to work with such device’s operating system where as of the date of the request, Charter authenticates such application for use on a competing device or (2) that as of March 20, 2016 Time Warner Cable authenticated for use on such device’s operating system.

Such a condition would ensure a level playing field between Android TV devices and competing devices for which Charter chooses to authenticate video programming applications. In addition, it would ensure that Time Warner Cable’s current customers, who currently represent approximately {{ BEGIN HCI END HCI }} of NVIDIA’s SHIELD TV customers, would be able to continue to use their Android TV device, without losing access to video programming applications, after the transaction is approved.

Sincerely,

Markham C. Erickson
Counsel for NVIDIA