



April 14, 2016

**By Electronic Communication**

Hon. Thomas Wheeler  
Chairman  
Federal Communications Commission  
455 12<sup>th</sup> St NW  
Washington, DC 20554

In the matter of MB Docket No. 15-149, *Applications of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to Transfer Control of Licenses and Authorizations.*

Dear Chairman Wheeler,

We, the undersigned public interest groups, have raised serious concerns about Charter's proposed acquisition of Time Warner Cable and Bright House Networks. The consolidation stands to undermine innovation and threaten independent voices on the cable dial. Moreover, the heavily-leveraged nature of the transaction would likely result in substantially higher costs for consumers.

For these reasons and others, many of us have called for the Commission to reject the merger. We understand, however, that the Commission is considering approving the merger, subject to a number of conditions. Moreover, the voluntary conditions offered by the companies would not remedy our concerns or provide a sufficient public interest benefit. If the Commission opts to approve this transaction with conditions, then as an additional safeguard to help ensure that the conditions imposed are as effective as possible, we ask that the Commission consider the following proposal.

In January of this year, the New York State Public Service Commission granted conditional approval of the merger with the following "most favored state" condition,

If, in obtaining approval of the transaction in other jurisdictions, the Petitioners commit to more line extensions, faster broadband speeds, or standalone broadband pricing that is lower for the same or similar value than that offered in New York, or additional low-income eligibility, New Charter will within 30 days following such commitment, notify the [New York Public Service] Commission of its intent to provide those same speeds and/or services in New York at terms that are reasonably comparable to the other state or federal commitments<sup>1</sup>.

As such, conditions that other jurisdictions obtain in their reviews of the merger would "snap back" to New Yorkers. We ask that the Commission condition any federal approval on a comparable "snap back" clause that would revert any future conditions negotiated at the state level to a federal condition. This clause would ensure that all post-merger New Charter customers benefit from the strongest conditions.

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<sup>1</sup> See ORDER GRANTING JOINT PETITION SUBJECT TO CONDITIONS at 66. Retrieved from <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BDEE1823A-AADD-48D4-94BD-B96BAC096DAA%7D> on April 11, 2016.

The incremental cost to New Charter would be minimal; if, for example, the California Public Utilities Commission obtains a stronger commitment on a given issue, New Charter would already have agreed to abide by those conditions in its two largest markets, New York and California.

While New York's most favored state clause refers specifically to line extensions, broadband speeds and standalone broadband pricing, we encourage you to apply this framework to, for example, conditions related to:

- Net neutrality, settlement-free interconnection, and data caps;
- Low-income broadband offerings, including eligibility and pricing requirements that could increase participation;
- Participation in the FCC's recently modernized Lifeline program;
- Extra-territorial build out;
- Diverse, independent, and minority-language cable programming;
- Nondiscrimination against rival sports programming;
- Channel guide placement, channel neighborhooding, and treatment of Public, Educational, and Governmental (PEG) stations;
- Supplier and workforce diversity.

And any others as deemed appropriate by the federal and state commissions.

Respectfully,

Alliance for Community Media  
Common Cause  
Consumers Union  
Greenlining Institute  
Media Alliance  
Open MIC (Open Media and Information Companies Initiative)  
Open Technology Institute  
Public Knowledge  
Writers Guild of America, West

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