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May 5, 2016

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Filing of the American Cable Association on Application of Charter Communications, Inc., Time Warner Cable, Inc., and Advance/Newhouse Partnership for Consent to Transfer Control of Licenses and Authorizations, MB Docket No. 15-149

Dear Ms. Dortch:

On May 4, 2016, Ross Lieberman, Senior Vice President of Government Affairs, American Cable Association (“ACA”) and Thomas Cohen, Kelley Drye & Warren LLP, Counsel to ACA, met with David Grossman, Chief of Staff and Media Policy Advisor to Commissioner Mignon Clyburn, to discuss the above-referenced docket and the “voluntary” condition in the proposed order that would require Charter Communications, Inc. post-close to provide broadband Internet access service to two million locations outside its existing service territory, one million of which “will be in competition with another high-speed provider in the market served”¹ (the “overbuild” condition).

The ACA representatives explained that post-approval the “new” Charter would have substantial scale advantages over most providers offering the triple-play of voice, video, and broadband Internet access service. Many of these providers have invested their own capital to build robust broadband networks over which they provide high-speed (above 25 Mbps) service.

¹ See “Statement of FCC Chairman Tom Wheeler on Recommendation Concerning Charter/Time Warner Cable/ Bright House Networks,” FCC News (Apr. 25, 2016).

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As a result, the ACA representatives submitted that if the Commission adopts the overbuild condition, it should tailor the condition so that it results in increased competition and improved broadband service in areas where additional entry is most needed (*e.g.* where prices exceed those offered in urban areas and speed, latency, and packet loss fail to meet the Commission's benchmarks). Further, the Commission should, at all costs, avoid harming consumers, particularly those who are satisfied with the service they receive from a local, smaller entity. Such harm would occur – and would be contrary to the public interest – if the new Charter, using its significant scale advantages, drives a smaller provider out of the market, leaving Charter as the only provider. ACA representatives thus proposed, if the Commission adopts its overbuild condition, at a minimum, to limit the locations that would count toward meeting the overbuild condition to only locations in areas served by larger providers.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.

Sincerely,



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cc: David Grossman