

# JOHN E. CASTILLO

May 10, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

Re: Applications for America Online, Inc. and Time Warner, Inc. for Transfers of Control (CS Docket No. 00-30)

Dear Ms. Salas:

I am writing as a concerned citizen regarding the AOL and Time Warner merger. This merger has serious potential for the citizens of Houston. Time Warner is the dominant cable provider in our market and their merger with AOL may greatly impact Houstonians.

As you know, ABC recently went off the air in Houston and was not available to Time Warner Cable subscribers. We had many complaints in our office from angry citizens. This may have been a precursor to future problems. When two such giants as Time Warner and AOL merge, it is imperative that consumer interests be protected.

If the FCC is to approve this merger, I join with other commenters to encourage protection of consumers in this process. This concern is not limited to television viewing but also to the dominance of available broadband width and internet access. I urge you to guarantee that the merger would (I) require open access on the Broadband Internet part of the Time Warner/AOL cabling networks and (II) prohibit discrimination in favor of the channels and content owned by Time Warner/AOL on the interactive television part of their pipeline. Specifically, I believe that any FCC approval of the AOL/Time Warner merger must include the following:

1. Open access for Internet Service Providers
2. Non-Discriminatory treatment for non Time Warner/AOL content providers with respect to their video distribution system.
3. No discriminatory treatment that undermines advertising opportunities.

Houstonians want to choose their own television and internet programming. They want to decide which programs to watch or what products to download on to their computers. They do not want to have any specific programming forced upon them. I trust that you will keep the interests of the consumer first and foremost in your minds as you review this proposed merger. Thank you for allowing me the opportunity to comment.

Sincerely,



John E. Castillo  
Council Member, District I

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