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February 22, 2005

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Federal Communications Commission  
Office of Secretary

**Via Hand Delivery**

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

**Re: Ex Parte Presentation in MB Docket No. 02-144  
Time Warner Cable**

Dear Ms. Dortch:

On February 22, 2005, Susan Mort of Time Warner Inc., and Seth Davidson of Fleischman and Walsh, L.L.P. met with Catherine Bohigian, Legal Advisor to Commissioner Kevin Martin, to discuss the above-referenced proceeding.

The discussion centered on three issues: (1) the need for the Commission to streamline the resolution of effective competition petitions so as to minimize uncertainty and conserve Commission resources; (2) the harms that would result from giving local franchising authorities increased deference in reviewing rate forms, including an increase in the number of disputed rate orders and the potential lack of uniformity in rate decisions; and (3) the need for the Commission to clarify that actual costs are an appropriate standard on which to base the external cost pass through for affiliated programming services, such as regional news channels, for which there is no "fair market value" based on sales to unaffiliated third parties.

Pursuant to Section 1.1206(b) of the Commission's rules, an original and one copy of this letter are being submitted to the Secretary's office for inclusion in the record of the above-referenced proceeding.

If there are any questions regarding this matter, please communicate directly with the undersigned.

Respectfully submitted,

  
Seth A. Davidson

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cc: Catherine Bohigian  
Qualex International  
John Norton  
Wanda Hardy