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July 20, 2005

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

Re: Comments in the Application for Consent to Assignment and/or Transfer of Control of Licenses from Adelpia Communications Corp. (DIP) to Time Warner Cable and Comcast Corporation, MB Docket 05-192

Dear Ms. Dortch:

Marco Island Cable ("MIC") has a Collier County, FL franchise with an initial service area of Marco Island, Florida. Marco Island Cable's expansion off of Marco Island has been stopped by Comcast's use of contracts that contain clauses for specific easements in conduits and control of individual unit home wiring and individual unit home run wiring. These clauses serve no business purpose other than to give Comcast perpetual or extended (15-20 years) use of these essential facilities, thus keeping out competition.

In December 2004, MIC filed a complaint in federal court in Ft. Myers, Florida. This complaint states that Comcast Cable of the South and Comcast Inc. ("Comcast") was engaging in unfair business practices and predatory pricing with regards to its competition for customers on Marco Island and in Collier County, Florida, Case No. 2:04-CV-26-FtM-29 DNVF. This suit has survived a petition to dismiss and is progressing in the court system. The Honorable Judge Steele, in an 11-page order, found the complaints of unfair practices, including MIC's allegation of blocking access to common facilities, credible. Discovery to date displays a concerted effort to limit my company's threat by lowering prices in Marco Island to half that offered to consumers elsewhere and compelling associations to convey exclusive easements over all wiring. Comcast's price war was only in areas where MIC provides services and was not directed to Time Warner.

MIC is very concerned that the proposed transaction, if approved by the FCC, will not only reduce competitive alternatives in Collier County, but will also further embolden Comcast to continue its unfair tactics against MIC, potentially forcing MIC out of business.

While a Collier County Court dismissed a suit filed by Comcast (Comcast vs. Cozumel), Comcast continues to threaten condominiums with protracted legal proceedings in order to exclude MIC from providing a competitive alternative.

MIC understands as part of the subject Adelpia, et al proceeding, Comcast will acquire the Time Warner facilities in Collier County and the adjacent Lee County. This acquisition will potentially have very serious consequences on the bulk and condominium markets in these two counties. Currently Time Warner and Comcast compete for these gated and condominium communities in Collier County by paying "Door Fees" to developers for exclusive agreements for use of essential

rights of way facilities. By Comcast acquiring the Time Warner properties, these bulk and condominium customers will lose the only competitive pressures that currently exist. Further, it is possible as Comcast faces lesser competitive pressure in Collier County, Comcast will be able to expand its anti-competitive tactics in Marco Island, thereby increasing the potential that Comcast could force MIC to abandon its services in Marco Island.

MIC asks the FCC to deny the transfer of these systems to Comcast in Collier and Lee Counties based on the anti-competitive practices Comcast currently uses in Marco Island. To the extent the FCC does not deny the transfer, MIC asks that the FCC include a condition in the transfer that Comcast must cease its current anti-competitive practices against MIC and that Comcast must agree to waive its illegal exclusive easements with all of its bulk condominium and gated communities to allow wire line competitors like MIC and direct broadcast satellite companies to have a fair opportunity to compete for these customers.

I have attached a copy of MIC's complaint along with the exhibits. I have also attached a copy of Federal Judge Steel's denial of Comcast's "Petition to Dismiss".

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Gaston". The signature is written in a cursive style with a large, stylized initial "W" and "G".

William R. Gaston
President
Marco Island Cable, Inc.

34145

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