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February 2, 2006

VIA ELECTRONIC DELIVERY

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

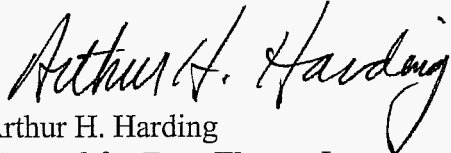
Dear Ms. Dortch:

Yesterday, Susan Mort of Time Warner Inc. and the undersigned had a telephone conference with Sarah Whitesell, Royce Sherlock and Tracy Waldon of the Media Bureau to respond to various follow-up questions raised at the meeting held on January 11, 2006 to address various approaches for counting subscribers in multiple dwelling unit ("MDU") environments. *See ex parte* notice filed January 12, 2006 in MB Docket No. 05-196.

During this call, Ms. Mort and I explained that Time Warner Cable does not use the "equivalent billing unit" ("EBU") approach for counting MDU subscribers in the ordinary course of business, *e.g.*, for public reporting purposes or for internal performance monitoring. However, many of Time Warner Cable's programming contracts contemplate that license fees for customers residing in MDUs be calculated on an EBU basis. Thus, while Time Warner Cable does perform such calculations for that limited purpose, this process does not produce a readily available source of subscriber data on an EBU basis at either the company or division level. Among the reasons for this are that not every programming service is included in every package delivered to every MDU. Moreover, different programming contracts contain varying definitions of "MDU" that may or may not encompass service to locations such as trailer parks, gated communities, marinas, hospitals, prisons, college dormitories, etc. Thus, the "EBU" count used to calculate license fees is likely to vary under different programming contracts.

Please contact the undersigned if there are additional questions regarding this matter.

Respectfully submitted,

  
Arthur H. Harding  
Counsel for Time Warner Inc.

Ms. Marlene H. Dortch

February 2, 2006

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cc: Best Copy and Printing, Inc.

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