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October 3, 2007

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

**Re: Notification of *Ex Parte* Presentation of Time Warner Cable
*Exclusive Service Contracts for Provision of Video Services in Multiple
Dwelling Units and Other Real Estate Developments, MB Docket No. 07-51***

Dear Ms. Dortch:

On October 2, 2007, Steven Teplitz of Time Warner Inc. and the undersigned met with the following Commission personnel to discuss the above-captioned proceeding: Commissioner Robert McDowell and his Legal Advisor, Cristina Chou Pauzé; Rick Chessen, Senior Legal Advisor to Commissioner Copps, and Rudy Brioché, Legal Advisor to Commissioner Adelstein.

Consistent with Time Warner Cable's comments in this proceeding, we argued that if the Commission chooses to prohibit exclusive contracts between MDU owners and MVPDs, it should apply any restrictions to all MVPDs and should not abrogate existing contracts. We emphasized that, when the Commission decided in 2000 to prohibit exclusive contracts between telecommunications carriers and owners of commercial buildings, it did so on a competitively neutral basis and restricted such contracts only prospectively, declining to interfere with existing agreements because of the competitive distortions and consumer harm that would ensue. Moreover, we noted that the Commission's finding in 2003 that regulation of exclusive contracts in the video context was unnecessary strongly militates against the regulatory intervention now sought by incumbent LECs. Particularly because video competition has continued to increase since that determination, it would be difficult to justify any intervention in the marketplace, much less abrogation of existing contracts.

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We further explained that neither Section 628(b) nor any other provision of the Communications Act provides authority to regulate private contracts between MVPDs and MDU owners. We also underscored the serious risk that authorizing use of exclusive easements held by cable operators and otherwise interfering with their reasonable investment-backed expectations would result in a taking without just compensation.

Please contact the undersigned if you have any questions regarding this notice.

Sincerely,

/s/ Matthew A. Brill

Matthew A. Brill
Counsel for Time Warner Cable

cc: Rudy Brioché
Rick Chessen
Cristina Chou Pauzé