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READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
FORM 159

Approved by OMB
3060-0589
Page No. 1 of 1

(1) LOCKBOX # 979089		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Edwards Wildman Palmer LLP		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$1,355.00	
(4) STREET ADDRESS LINE NO. 1 1255 23rd Street, N.W.			
(5) STREET ADDRESS LINE NO. 2 8th Floor			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20037
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 478-7370		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYFR (FRN) 0020575221		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Time Warner Cable Inc.			
(14) STREET ADDRESS LINE NO. 1 60 Columbus Circle			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY New York		(17) STATE NY	(18) ZIP CODE 10023
(19) DAYTIME TELEPHONE NUMBER (include area code) (202) 478-7370		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0007556251		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID Island of Hawaii et al.	(24A) PAYMENT TYPE CODE TQC	(25A) QUANTITY 1	
(26A) FEE DUE FOR (FTC) \$1,355.00	(27A) TOTAL FEE \$1,355.00	FCC USE ONLY	
(28A) FCC CODE 1 PSID# 000295		(29A) FCC CODE 2	
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (FTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1		(29B) FCC CODE 2	
SECTION D - CERTIFICATION			
I, <u>Carol G. Gandy</u> certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>Carol G. Gandy</u>		DATE <u>1/10/12</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD _____ VISA _____ AMEX _____ DISCOVER _____ ACCOUNT NUMBER _____ EXPIRATION DATE _____ I hereby authorize the FCC to charge my credit card for the service(s) authorization herein described. SIGNATURE _____ DATE _____			



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4A-768

January 11, 2012

Federal Communications Commission
Media Bureau Services
P.O. Box 979089
St. Louis, MO 63197-9000

**Re: Supplemental Filing Fee
Time Warner Cable Inc.
Petition for Determination of Effective Competition
Island of Hawaii, Hawaii (PSIDs #000295, 000320)**

Ladies and Gentlemen:

Transmitted herewith on behalf of Time Warner Cable Inc. is a complete FCC Form 159 and this Firm's check in the amount of \$1355 in payment of a supplemental filing fee for the above-referenced Petition for Determination of Effective Competition filed December 14, 2011. Should there be any questions concerning this submission, please communicate with the undersigned.

Very truly yours,

Craig A. Gilley

cc: Claudia Tillery, FCC-Media Bureau

DC 888030.1

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Petition of)	CSR- <u>8562</u> -E	
)		
)	PSID No. 000320	
Time Warner Cable Inc.)	Island of Hawaii, Hawaii	HI0022; HI0040; HI0079; HI0096; HI0101; HI0102; HI0103; HI0104; HI0105; HI0106; HI0109; HI0110; HI0111
)	✓ CSR-8579-E	
)	PSID No. 000295	
)	Island of Hawaii, Hawaii	HI0020; HI0023; HI0024; HI0025; HI0026; HI0027; HI0028; HI0029; HI0030; HI0031; HI0032; HI0056; HI0075; HI0078; HI0083; HI0093
)		
For Determination of)		
Effective Competition)		
To: Chief, Media Bureau)		

PETITION FOR SPECIAL RELIEF

Time Warner Cable Inc. ("Time Warner Cable"), by its attorneys, and pursuant to Sections 76.7, 76.905(b) and 76.907 of the Commission's rules,¹ hereby petitions the Commission for a finding that Time Warner Cable's cable television system serving the franchise area of the Island of Hawaii, Hawaii County, Hawaii² (unless otherwise noted, the "Franchise Area") is subject to effective competition³ and therefore exempt from any rate regulation imposed pursuant to Section 623 of the Communications Act of 1934 (the "Act").⁴

¹ 47 C.F.R. §§ 76.7, 76.905(b), 76.907.

² Pursuant to a county and island-wide franchise issued by the State of Hawaii, Time Warner Cable's franchise area encompasses the entire Island of Hawaii, including all incorporated and unincorporated places therein, including the municipalities of Hilo (HI0022), Captain Cook (HI0023), Honaunau (HI0026), Kealahou (HI0027), Holualoa (HI0028), Kailua Kona (HI0029), Kamuela (HI0030), Keauhou (HI0031), Kalaoa (HI0032), Honakaa (HI0079), Laupahoehoe (HI0109), Paauilo (HI0110) and Papaaloa (HI0111).

³ Pursuant to Section 76.910 of the Commission's rules, rate regulatory authority may be exercised only by a local franchising authority ("LFA") that has been properly certified. 47 C.F.R. § 76.910. To the extent that any political subdivision covered by this petition is an LFA and has been certified to regulate rates in accordance with the

I. TIME WARNER CABLE SATISFIES THE “50/15” OR “COMPETING PROVIDER TEST” IN THE FRANCHISE AREA

Pursuant to Section 623(a)(2) of the Act,

[i]f the Commission finds that a cable system is subject to effective competition, the rates for the provision of cable service by such system shall not be subject to regulation by the Commission or by a State or franchising authority under this section.⁵

The Act further provides that a cable system will be considered subject to effective competition (and therefore exempt from rate regulation) under the “50/15” test if, *inter alia*, the franchise area is:

(i) served by at least two unaffiliated multichannel video programming distributors each of which offers comparable video programming to at least 50 percent of the households in the franchise area; and

(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 15 percent of the households in the franchise area.⁶

As demonstrated below, effective competition exists the Franchise Area because competing multichannel video programming distributors (“MVPDs”), including direct-to-home (“DTH”) satellite providers such as DirecTV⁷ and DISH Network⁸ (collectively the “DBS Providers”), are

Commission’s rules, Time Warner Cable respectfully requests that the Commission revoke such certification pursuant to Section 76.914(c). 47 C.F.R. § 76.914(c). To the extent that franchising responsibilities of any political subdivision covered by this petition have been reassigned to another governmental body, *e.g.*, pursuant to legislation providing for state-issued franchises, then that political subdivision is no longer an LFA and obviously would no longer have rate regulatory authority. In such event, Time Warner Cable is nevertheless seeking an effective competition determination to achieve the full competitive flexibility associated therewith.

⁴ 47 U.S.C. § 543. Time Warner Cable requests that, consistent with Commission precedent, any FCC grant of effective competition in the Franchise Area be effective as of the date of filing of this petition. *See, e.g., Altrio Communications, Inc. v. Adelphia Communications Corporation*, 17 FCC Rcd 22955, ¶ 5 (Med. Bur. 2002) (Commission order released September 26, 2002 found that Adelphia was subject to effective competition in the Arcadia, California franchise area as of October 1, 2001).

⁵ 47 U.S.C. § 543(a)(2).

⁶ 47 U.S.C. § 543(l)(1)(B); *see also* 47 C.F.R. § 76.905(b)(2).

⁷ DirecTV is a registered trademark of DirecTV, Inc.

⁸ DISH Network is a registered trademark of EchoStar Communications Corporation.

available to more than 50 percent, and are subscribed to by more than 15 percent, of the households in the Franchise Area.

A. Competing MVPD Services Are “Offered” in the Franchise Area.

According to the Commission’s rules, an MVPD’s service is deemed to be “offered” for purposes of effective competition:

(1) When the multichannel video programming distributor is physically able to deliver service to potential subscribers, with the addition of no or only minimal additional investment by the distributor, in order for an individual subscriber to receive service; and (2) When no regulatory, technical or other impediments to households taking service exist, and potential subscribers in the franchise area are reasonably aware that they may purchase the services of the multichannel video programming distributor.⁹

As demonstrated below, the DBS providers “offer” service in the Franchise Area under this definition.

1. The DBS Providers are “Physically Able” to Offer Service to Subscribers in the Franchise Area.

The Commission has repeatedly determined that DBS service is technically available throughout the United States due to its nationwide satellite footprint.¹⁰ According to both DirecTV’s and Dish Network’s websites, both DBS Providers services are available throughout all the islands of Hawaii.¹¹ And as demonstrated below, the DBS Providers has thousands of customers in the Franchise Area, demonstrating that the DBS Providers are “physically able” to offer service to subscribers in the Franchise Area.

⁹47 C.F.R. § 76.905(e).

¹⁰ See, e.g., *Bright House Networks, LLC, Petition for Determination of Effective Competition*, Memorandum Opinion and Order, 22 FCC Rcd 4390, ¶ 6 (Med. Bur. 2007) (“*Bright House Networks*”).

¹¹ See http://support.directv.com/app/answers/detail/a_id/1923/~is-directv-available-in-hawaii%3F, (“Is DIRECTV available in Hawaii? Yes. Hawaii residents can enjoy all DIRECTV programming, including local channels.”); http://www.dishnetwork.com/packages/hawaii/programming/default_es.aspx.

2. No Regulatory, Technical or Other Impediments to Households Taking the DBS Providers' Services Exist.

The DBS providers' services are deemed to be technically available in a franchise area if the footprints of their satellites cover the franchise area and there are no local regulations prohibiting reception by home satellite dishes.¹² As noted above, DBS services have been determined by the Commission to be available throughout the United States. Time Warner Cable is aware of no zoning restrictions in the Franchise Area that would prevent potential subscribers from placing a small dish on their houses or on their properties in order to receive DBS service. Indeed, it would appear that any such restriction would violate Section 207 of the Telecommunications Act of 1996 and Section 25.104 of the FCC's rules promulgated thereunder.¹³ Further, the DBS providers do not need franchises to offer service to residents in the Franchise Area. As such, there are no regulatory, technical or other impediments to households taking the DBS providers' service.

3. Potential Subscribers in the Franchise Area are "Reasonably Aware" That They May Purchase the DBS Providers' Services.

In light of the Commission's prior findings regarding the ubiquitous availability of DBS service, and in recognition of the DBS Providers' extensive advertising and marketing efforts through television and radio, Internet, print media and direct marketing, potential subscribers throughout the Franchise Area are undoubtedly "reasonably aware" of the availability of the DBS Providers' services.¹⁴ In addition, the Commission has held that the DBS Providers'

¹²*Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation*, 8 FCC Rcd 5631, ¶ 32 (1993) ("Rate Order").

¹³Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); see 47 C.F.R. § 25.104.

¹⁴ The DBS Providers maintain comprehensive websites, www.dishnetwork.com and www.directv.com, where consumers can learn more about local retail outlets and how to buy the necessary equipment online or through a toll-free number. See *Rate Order* at n. 104 ("[W]e believe that regional or local marketing, such as by a national or regional 800 telephone number, would suffice."). See also *id.* at ¶ 29; *Adelphia Cable Communications*, 20 FCC Rcd 20487, ¶ 6 (Med. Bur. 2005) ("*Adelphia Effective Competition Order*") (There is "no reason to require needlessly fractionalized marketing in order to ensure that a national or regional programming service is available in a particular community... [P]otential subscribers may be made reasonably aware of the availability of a competing service... through advertising in regional or local media, direct mail, or any other marketing outlet" (citing *Rate*

extensive nationwide subscribership and growth in recent years, combined with a local DTH penetration of more than 15 percent in any given franchise area, is an accurate sign that potential subscribers within that franchise area are “reasonably aware” of the availability of the DBS Providers’ services.¹⁵

Here, the presence of numerous subscribers of the DBS Providers’ services in the Franchise Area, as shown below, demonstrates that such individuals are all obviously aware of their ability to obtain service from a DBS Provider. Moreover, it is reasonable to assume the awareness of the availability of the DBS Providers’ services only continues to increase as additional DBS dishes are prominently installed throughout the Franchise Area.

Because the three factors described above have been satisfied, the DBS Providers “offer” competing MVPD services in the Franchise Area.

B. The DBS Providers Offer “Comparable Multichannel Video Programming.”

Effective competition exists where programming offered by an MVPD competitor is deemed “comparable” to the programming offered by the unaffiliated cable operator.¹⁶ The programming offered by a competing MVPD is deemed “comparable” if it includes “at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.”¹⁷ The Commission’s decisions have repeatedly concluded that the DBS Providers satisfy § 76.905(g)’s comparable programming criterion.¹⁸

Order at ¶ 29 (emphasis in original)).

¹⁵ Indeed, the Commission has “found households in a franchise area to be reasonably aware that they may purchase DBS service solely based on evidence of DBS’s nationwide growth and local subscriptions, without reference to advertising or other promotion.” *Bright House Networks at ¶ 6* (referencing *Adelphia Communications, et al., Nineteen Unopposed Petitions for Determination of Effective Competition in Forty-Seven Local Franchise Areas*, Memorandum Opinion and Order, 20 FCC Rcd 7503, ¶ 3 (Med. Bur. 2005)).

¹⁶ 47 U.S.C. § 543(l)(1)(B)(i).

¹⁷ 47 C.F.R. § 76.905(g).

¹⁸ See *ACC Cable Communications, FLA-VA, LLC*, 18 FCC Rcd 7110, ¶ 6 (Med. Bur. 2003) (Town of Lake Waccamaw and Town of Tabor City, North Carolina) (“...the Commission has repeatedly concluded that the programming of DBS providers, such as DIRECTV and Dish, satisfy the Commission’s [comparable] programming criterion”); *Adelphia Effective Competition Order at ¶ 7* (“Because different sets of rules govern which stations

The programming offered by DirecTV and Dish Network, listings of which are available at www.directv.com and www.dishnetwork.com,¹⁹ includes many of the same popular nonbroadcast and broadcast programming services available on Time Warner Cable's system serving the Franchise Area. The DBS Providers' programming lineups amply demonstrate that at least twelve channels of video programming are offered, including at least one channel of nonbroadcast programming service.²⁰ Thus, the DBS Providers offer "comparable" multichannel video programming, as defined by the Commission, to actual and potential subscribers in the Franchise Area.

C. The DBS Providers Offer Comparable Multichannel Video Programming to More Than 50 Percent of the Households in the Franchise Area.

As noted above, at least one MVPD unaffiliated with the incumbent cable operator must offer comparable video programming to at least 50 percent of the households in a franchise area for the first prong of the 50/15 effective competition test to be met.²¹ In numerous effective competition decisions, the Commission has concluded that the DBS Providers are deemed to satisfy this 50 percent threshold due to their nationwide satellite footprints.²² Accordingly, since the DBS Providers offer comparable programming to greater than 50 percent of the households in the Franchise Area, the first prong of the 50/15 effective competition test is satisfied.

cable operators and DBS service providers can or must carry, we have never insisted on absolute parity in station offerings. Instead, an MVPD offers 'comparable programming' if it offers 'at least 12 channels of video programming, including at least one channel of nonbroadcast service programming'"); *Time Warner Entertainment-Advance/Newhouse Partnership*, 20 FCC Rcd 15709, n. 15 (Med. Bur. 2005) (Nineteen California Franchise Areas) ("the DBS providers offer well over 100 channels, most of which are non-broadcast channels," which satisfies the comparable programming criterion).

¹⁹ See *The Helicon Group, L.P.*, 17 FCC Rcd 16636, n. 8 (Med. Bur. 2002) (Barnet, Vermont) ("While Charter did not provide in its Petition a copy of EchoStar's nationwide channel lineup, which is otherwise available at www.dishnetwork.com, we have consistently found that the programming of both DBS providers satisfies the programming compatibility component of the competing provider effective competition test.").

²⁰ The DBS Providers satisfy the program comparability standard regardless of whether they provide local-into-local service to the Franchise Area. See *Falcon Telecable*, 17 FCC Rcd 22842, ¶ 4 (Med. Bur. 2002) (Four Texas Communities) ("[T]he Commission's effective competition program comparability standard does not include a local television programming component.").

²¹ See 47 C.F.R. § 76.905(b)(2)(i).

²² See note 9.

D. The Number of Households Subscribing to the Programming Services of Competing MVPDs Exceeds 15 Percent of the Households in the Franchise Area.

The subscriber base of any MVPD or MVPDs,²³ other than the largest MVPD, must exceed 15 percent of the households in a franchise area to meet the second prong of the 50/15 test. As demonstrated below, Time Warner Cable's cable system meets this threshold with respect to the Franchise Area. Time Warner Cable is the largest MVPD in the Franchise Area because it has the most video subscribers there.²⁴

Attached as Exhibit A is a list from Media Business Corp. of all of the five digit zip codes assigned to addresses on the Island of Hawaii. Each of these 32 zip codes is assigned solely and wholly to the Island of Hawaii, and any address associated with one of these zip codes is located on the Island of Hawaii and within the Franchise Area. Further, any DBS subscribers identified by the DBS Providers as being served at address locations within these zip codes are also located within the Franchise Area.²⁵ Thus, any subscribers identified by the DBS Providers as being located within these 32 zip codes can also be fully counted for purposes of calculating the DBS Providers' subscriber penetration within the Franchise Area.

Attached as Exhibit B is a report from the Satellite Broadcasting Communications Association ("SBCA"), which has been charged with the task of providing the required DBS Provider combined subscriber data for effective competition purposes. This report provides the DBS Provider subscriber counts for each of the 32 identified zip codes, and indicates that there is an aggregate total of 11,874 DBS Provider subscribers taking services at locations on the Island

²³ See *Time Warner Entertainment Co., L.P., et al. v. FCC*, 56 F.3d 151 (D.C. Cir. 1995) (holding that the subscribership of all MVPDs, other than the largest MVPD, may be aggregated to satisfy the 15 percent threshold). See also 47 C.F.R. § 76.905(f).

²⁴ See attached Declaration of Bob Barlow, President of Time Warner Cable Oceanic.

²⁵ As there is a perfect correlation between any identified customers in these zip codes and the Franchise Area, there is no need to discount any subscriber counts attributed to the Franchise Area, or to allocate any of the identified subscribers to other non-Franchise Area locations, as might be the case where there was less than perfect correlation or sharing of zip codes between separate franchise areas.

of Hawaii. Attached as Exhibit C is a Census 2010 household report for the Island of Hawaii indicating that there are a total of 67,096 occupied households on the island. Based on this data, the DBS Providers' subscriber penetration level in the Franchise Area is 17.70 percent, well in excess of the 15 percent threshold. Consequently, Time Warner Cable has demonstrated that the second prong of the 50/15 effective competition test has been met in the Franchise Area.

CONCLUSION

Because Time Warner Cable has demonstrated that it is subject to effective competition pursuant to Section 623(l)(1) of the Act and Section 76.905(b) of the Commission's rules for the Island of Hawaii, Time Warner Cable respectfully requests that the Commission expeditiously find that Time Warner Cable's cable system serving the Island of Hawaii is not subject to rate regulation as to basic cable service or other forms of rate regulation specified in 47 U.S.C. § 543 and revoke the LFAs' certification to regulate basic rates as appropriate.

Undersigned counsel has read the foregoing Petition, and to the best of such counsel's knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and is not interposed for any improper purpose.

Respectfully submitted,

Time Warner Cable Inc.

By:


Craig A. Gilley

EDWARDS WILDMAN PALMER LLP
1255 23rd Street, N.W., Eighth Floor
Washington, D.C. 20037
(202) 939-7900

Its Attorneys

Dated: December 13, 2011

DECLARATION

I, Bob Barlow, hereby declare under penalty of perjury that:

1. I am the Regional Vice President of Operations for Time Warner Cable Oceanic, the operator of the cable system that serves the Island of Hawaii, the specific Franchise Area involved in the foregoing Petition for Special Relief ("Petition").
2. I have read the foregoing Petition and am familiar with the contents thereof and the matters referred to therein.
3. I have reviewed Time Warner Cable's respective cable subscriber numbers for the Island of Hawaii, as well as the DBS subscriber numbers provided by SBCA and allocated to the Island of Hawaii as described in the Petition. Time Warner Cable is the largest multichannel video program provider serving the Franchise Area.
4. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.



Bob Barlow

Date: 12/6/2011

EXHIBIT A

Media Business Corp. Report Identifying All Zip Codes On the Island of Hawaii

State	County	ZIPCODE	Post Office Name	Longitude	Latitude
HI	Hawaii	96776	Paaulo	-155.504	19.7848
HI	Hawaii	96780	Papaaloa	-155.241	19.8877
HI	Hawaii	96781	Papaikou	-155.211	19.7873
HI	Hawaii	96783	Pepeekeo	-155.184	19.836
HI	Hawaii	96750	Kealakekua	-155.929	19.5225
HI	Hawaii	96704	Captain Cook	-155.783	19.3149
HI	Hawaii	96725	Holualoa	-155.788	19.5565
HI	Hawaii	96726	Honaunau	-155.908	19.4163
HI	Hawaii	96737	Captain Cook	-155.84	19.1297
HI	Hawaii	96739	Kailua Kona	-155.965	19.5717
HI	Hawaii	96740	Kailua Kona	-155.893	19.7116
HI	Hawaii	96743	Kamuella	-155.679	19.9029
HI	Hawaii	96745	Kailua Kona	-155.991	19.6484
HI	Hawaii	96772	Naalehu	-155.697	19.0736
HI	Hawaii	96719	Hawi	-155.858	20.2037
HI	Hawaii	96727	Honokaa	-155.553	20.0648
HI	Hawaii	96738	Waikoloa	-155.814	19.9353
HI	Hawaii	96755	Kapaau	-155.796	20.1731
HI	Hawaii	96710	Hakalau	-155.227	19.8516
HI	Hawaii	96720	Hilo	-155.273	19.6829
HI	Hawaii	96721	Hilo	-155.043	19.7143
HI	Hawaii	96728	Honomu	-155.135	19.8627
HI	Hawaii	96749	Keaau	-155.002	19.6282
HI	Hawaii	96764	Laupahoehoe	-155.267	19.934
HI	Hawaii	96773	Ninole	-155.193	19.877
HI	Hawaii	96774	Ookala	-155.269	19.9914
HI	Hawaii	96777	Pahala	-155.543	19.2977
HI	Hawaii	96718	Hawaii	-155.331	19.3688
HI	Hawaii	96760	Kurtistown	-155.023	19.5653
HI	Hawaii	96771	Mountain View	-155.099	19.53
HI	Hawaii	96778	Pahoa	-155.022	19.4368
HI	Hawaii	96785	Volcano	-155.217	19.4961

EXHIBIT B

SBCA Effective Competition Tracking Report for the Island of Hawaii

ECTR – Effective Competition Tracking Report



Provided by
Satellite Broadcasting and Communications Association

Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated September 9, 2011 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: September 13, 2011

Franchise Area: Hawaii, HI

ZIP Code DTH Count

96704	775	96738	255	96772	294
96710	88	96739	5	96773	92
96718	7	96740	1270	96774	32
96719	175	96743	802	96776	196
96720	1077	96745	9	96777	62
96721	10	96749	1653	96778	1532
96725	154	96750	148	96780	40
96726	109	96755	212	96781	76
96727	429	96760	376	96783	93
96728	30	96764	62	96785	328
96737	610	96771	873	Total	11874

Data is current through 8/31/2011

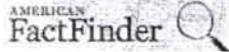
Report Prepared by:
Martin Esteves
Manager, Membership and Data Management
202-349-3630
mesteves@sbca.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

EXHIBIT C

2010 Census Household Population

U.S. Census Bureau



QT-H1

General Housing Characteristics: 2010
2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

GEO: Hawaii County, Hawaii

Subject	Number	Percent
OCCUPANCY STATUS		
Total housing units	82,324	100.0
Occupied housing units	67,096	81.5
Vacant housing units	15,228	18.5
TENURE		
Occupied housing units	67,096	100.0
Owner occupied	44,271	66.0
Owned with a mortgage or loan	28,129	41.9
Owned free and clear	16,142	24.1
Renter occupied	22,825	34.0
VACANCY STATUS		
Vacant housing units	15,228	100.0
For rent	2,995	19.7
Rented, not occupied	101	0.7
For sale only	1,338	8.8
Sold, not occupied	289	1.9
For seasonal, recreational, or occasional use	7,135	46.9
For migratory workers	46	0.3
Other vacant	3,324	21.8
TENURE BY HISPANIC OR LATINO ORIGIN OF HOUSEHOLDER BY RACE OF HOUSEHOLDER		
Occupied housing units	67,096	100.0
Owner-occupied housing units	44,271	66.0
Not Hispanic or Latino householder	41,825	62.0
White alone householder	19,553	29.1
Black or African American alone householder	169	0.3
American Indian and Alaska Native alone householder	128	0.2
Asian alone householder	11,801	17.6
Native Hawaiian and Other Pacific Islander alone householder	3,141	4.7
Some Other Race alone householder	57	0.1
Two or More Races householder	6,776	10.1
Hispanic or Latino householder	2,546	3.9
White alone householder	900	1.3
Black or African American alone householder	13	0.0
American Indian and Alaska Native alone householder	46	0.1
Asian alone householder	298	0.4
Native Hawaiian and Other Pacific Islander alone householder	148	0.2
Some Other Race alone householder	309	0.5
Two or More Races householder	932	1.4
Renter-occupied housing units	22,825	34.0
Not Hispanic or Latino householder	20,091	29.9
White alone householder	8,809	13.1
Black or African American alone householder	185	0.3
American Indian and Alaska Native alone householder	118	0.2
Asian alone householder	3,510	5.4
Native Hawaiian and Other Pacific Islander alone householder	2,633	3.9
Some Other Race alone householder	25	0.0
Two or More Races householder	4,711	7.0
Hispanic or Latino householder	2,734	4.1
White alone householder	592	1.0
Black or African American alone householder	23	0.0
American Indian and Alaska Native alone householder	85	0.1
Asian alone householder	188	0.3
Native Hawaiian and Other Pacific Islander alone householder	192	0.3
Some Other Race alone householder	491	0.7
Two or More Races householder	1,083	1.8

X Not applicable.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables H3, H4, H5, and HCT1.

CERTIFICATE OF SERVICE

I, Glenda Thompson, a secretary at the law firm of Edwards Wildman Palmer LLP, hereby certify that, on this 13th day of December 2011, copies of the foregoing "Petition for Special Relief" were sent via first-class mail, postage prepaid, to the following:

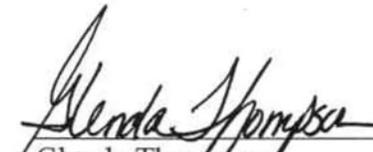
William Lake, Esq.*
Chief, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Pantelis Michalopoulos, Esq.
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Counsel for EchoStar Communications Corp.

William M. Wiltshire, Esq.
Harris, Wiltshire & Grannis LLP
1200 Eighteenth Street, N.W., Suite 1200
Washington, D.C. 20036-2506
Counsel for DirectTV, Inc.

Cable Television Administrator
State of Hawaii
Dept. of Commerce and Consumer Affairs
335 Merchant Street, Room 101
Honolulu, Hawaii 96813

*Via hand delivery


Glenda Thompson

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
FORM 159

Approved by OMB
3060-0589
Page No. 1 of 1

(1) LOCKBOX #		SPECIAL USE ONLY	
		FCC USE ONLY	
SECTION A - PAYER INFORMATION			
(2) PAYER NAME (if paying by credit card enter name exactly as it appears on the card) Edwards Wildman Palmer LLP		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$1,355.00	
(4) STREET ADDRESS LINE NO. 1 1255 23rd Street, N.W.			
(5) STREET ADDRESS LINE NO. 2 8th Floor			
(6) CITY Washington		(7) STATE DC	(8) ZIP CODE 20037
(9) DAYTIME TELEPHONE NUMBER (include area code) (202) 478-7370		(10) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(11) PAYER (FRN) 0020575221		(12) FCC USE ONLY	
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C) COMPLETE SECTION BELOW FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(13) APPLICANT NAME Time Warner Cable Inc.			
(14) STREET ADDRESS LINE NO. 1 60 Columbus Circle			
(15) STREET ADDRESS LINE NO. 2			
(16) CITY New York		(17) STATE NY	(18) ZIP CODE 10023
(19) DAYTIME TELEPHONE NUMBER (include area code) (202) 478-7370		(20) COUNTRY CODE (if not in U.S.A.)	
FCC REGISTRATION NUMBER (FRN) REQUIRED			
(21) APPLICANT (FRN) 0007556251		(22) FCC USE ONLY	
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET			
(23A) CALL SIGN/OTHER ID Island of Hawaii et al.	(24A) PAYMENT TYPE CODE TQC	(25A) QUANTITY 1	
(26A) FEE DUE FOR (PTC) \$1,355.00	(27A) TOTAL FEE \$1,355.00	FCC USE ONLY	
(28A) FCC CODE 1	(29A) FCC CODE 2		
(23B) CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE	(25B) QUANTITY	
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY	
(28B) FCC CODE 1	(29B) FCC CODE 2		
SECTION D - CERTIFICATION			
CERTIFICATION STATEMENT I, <u>CRATIC GILBERT</u> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief.			
SIGNATURE <u>CRATIC GILBERT</u>		DATE <u>12/13/11</u>	
SECTION E - CREDIT CARD PAYMENT INFORMATION			
MASTERCARD <input type="checkbox"/> VISA <input type="checkbox"/> AMEX <input type="checkbox"/> DISCOVER <input type="checkbox"/>			
ACCOUNT NUMBER _____		EXPIRATION DATE _____	
I hereby authorize the FCC to charge my credit card for the service(s)/authorization herein described.			
SIGNATURE _____		DATE _____	