

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

In the Matter of)
Applications for Consent to the Assignment) MB Docket No. 05-192
and/or Transfer of Control of Licenses)
Adelphia Communications Corporation,)
(and subsidiaries, debtors-in-possession),)
Assignors,)
to)
Time Warner Cable Inc. (subsidiaries),)
Assignees;)
Adelphia Communications Corporation,)
(and subsidiaries, debtors-in-possession),)
Assignors and Transferors,)
to)
Comcast Corporation (subsidiaries),)
Assignees and Transferees;)
Comcast Corporation, Transferor,)
to)
Time Warner Inc., Transferee;)
Time Warner Inc., Transferor,)
to)
Comcast Corporation, Transferee)

ORDER GRANTING REQUEST FOR FURTHER EXTENSION OF TIME

Adopted: January 4, 2007

Released: January 5, 2007

By the Chief, Media Bureau:

1. On July 13, 2006, the Commission approved with conditions the sale of substantially all of the cable systems and assets of Adelphia Communications Corporation ("Adelphia") to Time Warner Inc. ("Time Warner")1 and Comcast Corporation ("Comcast"), the exchange of certain cable systems and assets between affiliates or subsidiaries of Time Warner and Comcast, and the redemption of Comcast's interests in Time Warner Cable Inc. and Time Warner Entertainment Company, L.P.2 One of the

1 As used throughout this Order, the term "Time Warner" will refer generally to both Time Warner Inc. and its subsidiary, Time Warner Cable Inc.

2 Applications for Consent to the Assignment and/or Transfer of Control of Licenses Adelphia Communications Corporation, (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees; Adelphia Communications Corporation, (and subsidiaries, debtors-in-possession), Assignors and Transferors, to Comcast Corporation (subsidiaries), Assignees and Transferees; Comcast Corporation, Transferor, to Time Warner Inc., Transferee; Time Warner Inc., Transferor, to Comcast Corporation, Transferee, Memorandum Opinion and Order, 21 FCC Rcd 8203 (July 21, 2006).

Commission's conditions was the requirement that, within 60 days after consummation of the transactions, Time Warner and Comcast each provide to the Commission an affidavit signed by a competent officer of the company certifying that the requirements of section 76.501(d) and (e) of the Commission's rules (the "cable/SMATV cross-ownership rule") had been satisfied.³ Because the transactions were consummated on July 31, 2006, the original deadline for certifying compliance with the cable/SMATV cross-ownership rule was September 29, 2006.⁴

2. The Media Bureau extended this deadline until December 31, 2006 for 16 of Time Warner's newly acquired SMATV systems in the Los Angeles area and for one SMATV system in the Columbus, Ohio area.⁵ Time Warner was required by January 2, 2007 to provide an affidavit signed by a competent officer of the company certifying such compliance.⁶ In addition, the Media Bureau granted Time Warner an extension until April 2, 2007 to bring another 20 of its newly acquired SMATV systems into compliance, and it required Time Warner to provide a status update of these systems by January 2, 2007.⁷

3. By letter dated January 3, 2007, Time Warner provides affidavits certifying compliance for 12 of the Los Angeles area systems subject to the December 31, 2006 deadline and for the Columbus, Ohio system.⁸ It also provides the required status update for the 20 systems permitted to come into compliance by April 2, 2007, and it submits an affidavit certifying that interconnection has been completed for four of those 20 systems.⁹ Time Warner, however, requests an extension until April 2, 2007 to comply with the certification requirement with respect to four of the SMATV systems in the Los Angeles area that were subject to the December 31, 2006 deadline.¹⁰ Time Warner explains that it is still in negotiations with the property owner of two of the systems with respect to the construction plans for

³ Section 76.501 prohibits cable operators from offering satellite master antenna television ("SMATV") service separate and apart from any franchised cable service in any portion of a franchise area served by the cable operator or its affiliates, unless the service is offered in accordance with the terms of a cable franchise agreement. 47 C.F.R. § 76.501(d), (e).

⁴ Letter from Arthur H. Harding, Fleischman and Walsh, L.L.P., Counsel for Time Warner, to Marlene H. Dortch, Secretary, FCC (Aug. 1, 2006) at 1.

⁵ *Applications for Consent to the Assignment and/or Transfer of Control of Licenses Adelpia Communications Corporation, (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees; Adelpia Communications Corporation, (and subsidiaries, debtors-in-possession), Assignors and Transferors, to Comcast Corporation (subsidiaries), Assignees and Transferees; Comcast Corporation, Transferor, to Time Warner Inc., Transferee; Time Warner Inc., Transferor, to Comcast Corporation, Transferee*, Order Granting Request for Extension of Time, 21 FCC Rcd 10843, 10845 ¶ 4 (MB Sept. 29, 2006) ("*Order Granting Initial Extension Request*"). Time Warner acquired 92 SMATV systems from Adelpia, 44 of which fall outside Time Warner's franchise areas and thus are not subject to the cable/SMATV cross-ownership rule. Of the remaining 48 systems subject to the rule, Time Warner brought ten into compliance by the September 29, 2006 deadline. Letter from Arthur H. Harding, Fleischman and Walsh, L.L.P., Counsel for Time Warner, to Marlene H. Dortch, Secretary, FCC (Jan. 3, 2007) ("*Further Extension Request*") at 1.

⁶ *Order Granting Initial Extension Request*, 21 FCC Rcd at 10845 ¶ 4.

⁷ *Id.* at 10845 ¶ 5. The Media Bureau also provided Time Warner an extension until April 2, 2007 to divest its newly acquired SMATV system in Kern County, California to Bright House Networks, LLC. *Id.* at 10844 ¶ 3.

⁸ *Further Extension Request*, Decl. of Jose Leon and Decl. of Randy Hall. The Commission was closed on January 2, 2007 in observance of the national funeral service for former President Gerald Ford. Therefore, Time Warner's filing on January 3, 2007 was timely.

⁹ *Id.* at 3-4, Decl. of Jose Leon.

¹⁰ *Id.* at 2-3.

integration. It also states that its interconnection progress was delayed for the other two SMATV systems in order to avoid disruption of service during the holidays.

4. We grant Time Warner's request and will extend the certification deadline for these four SMATV systems to April 2, 2007. By that date, Time Warner must provide an affidavit signed by a competent officer of the company certifying compliance with the cable/SMATV cross-ownership rule for these four systems. We find that granting Time Warner this extension of time serves the public interest and will not unduly harm diversity or competition in the relevant markets. Time Warner notes that it may be able to complete interconnection earlier than April 2, 2007, and we encourage Time Warner to bring these systems into compliance as soon as possible.

5. This action is taken pursuant to authority delegated by section 0.283 of the Commission's rules.¹¹

FEDERAL COMMUNICATIONS COMMISSION

Donna C. Gregg
Chief, Media Bureau

¹¹ 47 C.F.R. § 0.283.