

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 ADDITIONAL REQUEST FOR FURTHER EXTENSION OF TIME

Adopted: June 13, 2007

Released: June 13, 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. Time Warner brought some of its acquired SMATV systems into compliance by the September deadline. The Media Bureau granted Time Warner various extensions of time to bring its remaining SMATV systems into compliance. As of April 2, 2007, Time Warner had certified compliance for all but three of its SMATV systems subject to the cross-ownership rule.⁵ The Media Bureau granted Time Warner an extension until July 2, 2007 to certify compliance for these last three systems, all of which are in the Los Angeles area.⁶

3. On June 1, 2007, Time Warner submitted a letter stating it would be able to certify compliance for one of these systems by the July 2, 2007 deadline.⁷ With respect to one of the other systems, Time Warner seeks a 30-day extension, until August 1, 2007. It asserts that the owner of the property served by this system has authorized the necessary construction and that Time Warner has begun the arrangements to start construction and to notify affected subscribers. Time Warner requests a 90-day extension, until October 1, 2007, to certify compliance for the third system. It claims that the recent election of a new condominium board has delayed negotiations with the owner of the property served by the third system. Rather than terminate service to the affected subscribers, Time Warner seeks an additional 90 days to pursue interconnection of the system.

4. We believe that granting Time Warner further extensions of time, until August 1, 2007 for the second system and until October 1, 2007 for the third system, serves the public interest and will not unduly harm diversity or competition in the relevant markets. Denying Time Warner's requests would result in termination of service to the affected subscribers. We seek to avoid this outcome if possible. Given Time Warner's showing that it has made concerted efforts to bring these systems into compliance with the rule, we grant Time Warner further extensions of time to comply with the cable/SMATV cross-ownership rule so that service may be continued to the subscribers of these systems. Accordingly, we require Time Warner to provide by the new deadlines an affidavit signed by a competent

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 Letter from Arthur H. Harding, Fleischman and Walsh, L.L.P., Counsel for Time Warner, to Marlene H. Dortch, Secretary, FCC (Apr. 2, 2007).

⁶ *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 Additional Request for Further Extension of Time*, MB Docket No. 05-192, DA 07-1566 (MB Mar. 30, 2007).

⁷ Letter from Arthur H. Harding, Fleischman and Walsh, L.L.P., Counsel for Time Warner, to Marlene H. Dortch, Secretary, FCC (June 1, 2007).

officer of the company certifying compliance with the cable/SMATV cross-ownership rule for these two remaining systems.

5. This action is taken pursuant to authority delegated by section 0.283 of the Commission's rules.⁸

FEDERAL COMMUNICATIONS COMMISSION

Monica Shah Desai
Chief, Media Bureau

⁸ 47 C.F.R. § 0.283.