



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 15-1010

Released: September 11, 2015

**COMMISSION SEEKS COMMENT ON APPLICATIONS OF CHARTER  
COMMUNICATIONS, INC., TIME WARNER CABLE INC., AND ADVANCE/NEWHOUSE  
PARTNERSHIP FOR CONSENT TO TRANSFER CONTROL OF LICENSES AND  
AUTHORIZATIONS**

**MB Docket No. 15-149**

**Comments/Petitions Due: October 13, 2015**

**Responses to Comments/Oppositions to Petitions Due: November 2, 2015**

**Replies to Responses/Oppositions Due: November 12, 2015**

On June 25, 2015, Charter Communications, Inc. (“Charter”), Time Warner Cable Inc. (“Time Warner Cable”), and Advance/Newhouse Partnership (“Advance/Newhouse” and, together with Charter and Time Warner Cable, the “Applicants”) submitted joint applications to the Commission seeking consent to transfer control of various Commission licenses and authorizations pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended.<sup>1</sup> These transfers are a necessary component of proposed transactions through which Charter, Time Warner Cable, and Advance/Newhouse’s Bright House Networks, LLC (“Bright House Networks”) would merge.<sup>2</sup> The details of the proposed transfers are described in our July 27, 2015, public notice accepting for filing the Application.<sup>3</sup>

In the July 27 public notice, we stated that, “We expect that we will issue a protective order in this proceeding to protect any competitively sensitive information that is filed in the record while still

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<sup>1</sup> See 47 U.S.C. §§ 214, 310(d); Application of Charter Communications, Inc., Time Warner Cable Inc., and Advance/Newhouse Partnership for Consent to the Transfer of Control of Licenses and Authorizations, MB Docket No. 15-149 (filed June 25, 2015) (the “Application”), available at <https://transition.fcc.gov/transaction/charter-twc-bhn/charter-twc-bhn-public-interet.pdf>.

<sup>2</sup> See Application at 2.

<sup>3</sup> See *Commission Accepts For Filing Applications Of Charter Communications, Inc., Time Warner Cable, Inc., And Advance/Newhouse Partnership For Consent To Transfer Control Of Licenses And Authorizations*, MB Docket No. 15-149, Public Notice, DA 15-586 (Med. Bur. rel. July 27, 2015) (“July 27 Public Notice”).

permitting a limited disclosure to allow commenters to review and use the information for purposes of this proceeding. When we do so, we will issue a public notice setting forth the pleading cycle.”<sup>4</sup> The protective order in this proceeding was adopted by the Commission on September 11, 2015.<sup>5</sup> We now begin the execution of the protective order. Accordingly, and subject to the terms of the protective order, appropriate representatives of participants in this proceeding that have executed acknowledgements and are not subject to any objections will be able to access the confidential and/or highly confidential information contained in the Application and other confidential and/or highly confidential information that may be submitted in this proceeding in the future. Participants in this proceeding now have the ability to access information they need to comment fully on the Application, and we establish the pleading cycle as set forth in this notice. At the moment, however, the only material designated as confidential and highly confidential information to which the protective order applies is the Application itself.

We seek comment from interested persons to assist the Commission in its independent review of all proposed transfers of licenses and authorizations referred to in this public notice and the July 27 public notice.<sup>6</sup> The details of the procedures on how to file petitions to deny and comments are set forth below.

### ***EX PARTE* STATUS OF THIS PROCEEDING**

Pursuant to section 1.1200(a) of the Commission’s rules,<sup>7</sup> the Commission may in its discretion modify the *ex parte* procedures in particular proceedings if the public interest so requires. As we have previously announced, this proceeding will be governed by the permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission’s rules.<sup>8</sup> Parties making oral *ex parte* presentations are reminded that they must file notices of the presentations, which must contain, with regard to material already in the written record, either a succinct summary of the matters discussed or a citation to the page or paragraph number in the party’s written submission(s) where the matters discussed can be found, and with regard to any new information, a summary of the new data and arguments presented. Memoranda must contain a summary of the substance of the *ex parte* presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. All of the disclosure requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b).<sup>9</sup> Requests for exemptions from the disclosure

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<sup>4</sup> *Id.* at 1-2. As the public notice also contemplated, the informal 180-day clock for this merger proceeding is initiated at the same time as the comment cycle. *Id.* at 2 n.4.

<sup>5</sup> *Applications Of Charter Communications, Inc., Time Warner Cable, Inc., And Advance/Newhouse Partnership For Consent To Transfer Control Of Licenses And Authorizations*, MB Docket No. 15-149, Order, FCC 15-110 (rel. Sept. 11, 2015).

<sup>6</sup> See July 27 Public Notice.

<sup>7</sup> 47 C.F.R. § 1.1200(a).

<sup>8</sup> *Id.* § 1.1206; see also *Commission Opens Docket for Proposed Transfer of Control of Time Warner Cable, Inc. and Charter Communications Inc. and Proposed Transfer of Control of Bright House Networks from Advance/Newhouse Partnership to Charter Communications Inc.*, MB Docket No. 15-149, Public Notice, 30 FCC Rcd 6416 (2015).

<sup>9</sup> 47 C.F.R. § 1.1206(b).

requirements pursuant to section 1.1204(a)(9)<sup>10</sup> may be made to Jonathan Sallet at (202) 418-1700 or Owen Kendler at (202) 418-1758.

## REQUESTS FOR *EX PARTE* MEETINGS

All requests for meetings with Commission staff regarding this Docket should be made on-line, using the link at [http://transition.fcc.gov/transaction/comcast-twc\\_exparte-meeting-request](http://transition.fcc.gov/transaction/comcast-twc_exparte-meeting-request). Those who lack Internet access may direct their requests to Natividad Persaud, Wireline Competition Bureau, at (202) 418-1604.

## GENERAL INFORMATION

Interested persons must file comments or petitions to deny the applications no later than **October 13, 2015**. Responses to comments or oppositions to petitions must be filed no later than **November 2, 2015**. Replies to responses or oppositions must be filed no later than **November 12, 2015**. Persons and entities that file comments or petitions to deny may participate fully in the proceeding, including seeking access to any confidential and/or highly confidential information that may be filed under a protective order.<sup>11</sup> Persons and entities that do not file petitions to deny, however, even if they file comments, generally may not seek reconsideration of the Commission's decision regarding the transfer of control of the licenses or authorizations at issue or appeal a final decision to the courts.<sup>12</sup>

To allow the Commission to consider fully all substantive issues regarding the applications referred to in this public notice in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.<sup>13</sup> A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

All filings concerning matters referenced in this public notice should refer to MB Docket No. 15-149, and if they pertain only to specific applications or matters, to the specific file numbers of the individual applications or matters as well.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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<sup>10</sup> *Id.* § 1.1204(a)(9).

<sup>11</sup> The protective order governs the review of both confidential information and highly confidential information submitted by Applicants and others in this proceeding.

<sup>12</sup> 47 U.S.C. § 405(a); 47 C.F.R. § 1.106(b)(1) ("If the petition is filed by a person who is not a party to the proceeding, it shall state with particularity the manner in which the person's interests are adversely affected by the action taken, and shall show good reason why it was not possible for him to participate in the earlier stages of the proceeding."); 47 C.F.R. § 1.106(m); *Shareholders of Tribune Co., Transferors & Sam Zell, et al. Transferees*, 29 FCC Rcd 844, 847-48 ¶¶ 10-15 (2014) (discussing prerequisites for petitions to deny).

<sup>13</sup> See Section 1.45(c) of the Commission's Rules, 47 C.F.R. § 1.45(c).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

**In addition, one copy of each submission must be sent to the following:**

1. Vanessa Lemmé, Media Bureau, at [Vanessa.Lemme@fcc.gov](mailto:Vanessa.Lemme@fcc.gov), or (202) 418-2053 (facsimile);
2. Ty Bream, Media Bureau, at [Ty.Bream@fcc.gov](mailto:Ty.Bream@fcc.gov), or (202) 418-2053 (facsimile);
3. Elizabeth McIntyre, Wireline Competition Bureau, at [Elizabeth.McIntyre@fcc.gov](mailto:Elizabeth.McIntyre@fcc.gov), or (202) 418-1567 (facsimile);
4. Adam Copeland, Wireline Competition Bureau, at [Adam.Copeland@fcc.gov](mailto:Adam.Copeland@fcc.gov), or (202) 418-1567 (facsimile); and
5. Jim Bird, Office of General Counsel, at [TransactionTeam@fcc.gov](mailto:TransactionTeam@fcc.gov), or (202) 418-1234 (facsimile).

Any submission that is e-mailed to the persons listed above should include in the subject line of the e-mail: (1) MB Docket No. 15-149; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 15-149, Charter-TWC-BHN, *Ex Parte* Notice).

*People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

*Availability of Documents.* Documents in this proceeding will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, D.C. 20554. The Application is also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. Additional information regarding the proposed transaction will be available on the FCC's Office of General Counsel's transaction website, <http://www.fcc.gov/transaction/charter-twc-bhn>, which will contain an unofficial listing and electronic copies of materials in this Docket.

*Further Information.* For further information, contact Ty Bream, Media Bureau, (202) 418-0644, or Adam Copeland, Wireline Competition Bureau, (202) 418-1037. Press inquiries should be directed to Janice Wise, Media Bureau, (202) 418-8165. TTY: (202) 418-2555 or (888) 835-5322.

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