



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

News Media Information 202 / 418-0500  
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DA 20-893

Released: August 18, 2020

## WIRELINE COMPETITION BUREAU ANNOUNCES ADDITIONAL PERIOD FOR COMMENTS IN RESPONSE TO CHARTER COMMUNICATIONS, INC. PETITION TO SUNSET MERGER CONDITIONS

### WC DOCKET 16-197

**Comments Due: September 2, 2020**

By this Public Notice, the Wireline Competition Bureau (“Bureau”) announces an additional comment period for interested parties to respond to the Petition filed by Charter Communications, Inc. for consent to sunset on May 18, 2021 two conditions related to its merger with Time Warner Cable Inc. and Bright House Networks, LLC.<sup>1</sup>

The Bureau announced an initial pleading cycle on June 22, 2020 with comments due July 22 and replies due August 6.<sup>2</sup> To ensure that the Bureau has a full record upon which to evaluate the effects of the conditions, we initiate this additional comment period.<sup>3</sup> We also invite commenters to address the effect of the U.S. Court of Appeals for the D.C. Circuit’s August 14, 2020, decision in *Competitive Enterprise Institute* on the Commission’s consideration of Charter’s Petition.<sup>4</sup> Previously submitted filings during the initial pleading cycle will remain part of the record and will be fully considered by the Bureau.

<sup>1</sup> See Petition of Charter Communications, Inc., WC Docket No. 16-197, at 8-9 (filed June 18, 2020).

<sup>2</sup> *Petition by Charter Communications, Inc. to Sunset Merger Conditions Pleading Cycle Established*, WC Docket 16.197, Public Notice, DA 20-652 (WCB June 22, 2020).

<sup>3</sup> Subsequent to the issuance of the Bureau’s Public Notice, three entities filed submissions in the docket claiming that the Commission’s order approving the transaction requires the Bureau to seek comment on the Petition on August 18, 2020. See Letter from William M. Wiltshire, Counsel for Newsmax, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-197, at 1-2 (filed July 8, 2020) (Newsmax Letter); Letter from Mark DeVitre, Executive Vice President and General Counsel, Entertainment Studios Network Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-197, at 1 (filed July 16, 2020) (ESN Letter); New America’s Open Network Institute Comments at 6 (filed July 22, 2020) (Open Technology Institute Comments). Notwithstanding whether their reading of the language in the Commission’s order is correct, the relief sought by these entities does not comport with that reading. See Newsmax Letter at 2 (asking “the Bureau to hold this proceeding in abeyance until August 18, 2020”); ESN Letter at 4 (requesting that “the Commission postpone the comment filing deadline until August 18”); Open Technology Institute Comments at 6 (asking the Bureau to “hold this proceeding in abeyance until the appropriate date [August 18, 2020]”).

<sup>4</sup> See *Competitive Enterprise Institute, et al., v. FCC*, No. 18-1281, 2020 WL 4745272 (D.C. Cir. Aug. 14, 2020), [https://www.cadc.uscourts.gov/internet/opinions.nsf/516BB9B77ADBF989852585C40053AA68/\\$file/18-1281-](https://www.cadc.uscourts.gov/internet/opinions.nsf/516BB9B77ADBF989852585C40053AA68/$file/18-1281-)

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### General Information

Interested parties may file petitions or comments on the Charter Petition **on or before September 2, 2020**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- **Electronic Filers:** Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
  - Filings can be sent 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.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554
  - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. *See* FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

**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 and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

**In addition, please provide one copy of each pleading to each of the following:**

- (1) Zachary Ross, Wireline Competition Bureau, [zachary.ross@fcc.gov](mailto:zachary.ross@fcc.gov); and
- (2) Joel Rabinovitz, Office of the General Counsel, [joel.rabinovitz@fcc.gov](mailto:joel.rabinovitz@fcc.gov).

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[1856532.pdf](#). We note that the court's mandate will not issue until the deadline for filing petitions for rehearing has passed; if such a petition is filed, issuance of the mandate would be delayed until such petition is resolved.

This proceeding is being treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in the prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's Rules.<sup>6</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. 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.

For further information, please contact Zachary Ross, Wireline Competition Bureau, (202) 418-1033 or [zachary.ross@fcc.gov](mailto:zachary.ross@fcc.gov).

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<sup>5</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>6</sup> 47 CFR § 1.1206(b).