



PUBLIC NOTICE

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CHARTER COMMUNICATIONS, INC. WITHDRAWS PETITION TO SUNSET MERGER CONDITIONS

WC Docket No. 16-197

By this Public Notice, the Wireline Competition Bureau (Bureau) acknowledges Charter Communication, Inc.'s (Charter) withdrawal¹ of its petition² for consent to sunset two conditions from its merger with Time Warner Cable, Inc. and Bright House Networks, LLC: (1) the prohibition on Charter imposing data caps and usage-based pricing mechanisms; and (2) the requirement for Charter to offer to connect its Internet protocol network to any qualifying entity free of charge and on standardized terms.³ At this time, the Bureau will no longer consider filings specific to this petition, but the docket will remain open for additional filings, such as those required by Charter or the Independent Compliance Officer.⁴ Pursuant to the terms of the Order approving the merger, all conditions that remain in effect will expire on May 18, 2023, seven years from the Closing Date of the transaction.⁵

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

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¹ Letter from John L. Flynn, Counsel for Charter Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-197 (filed Jan. 15, 2021).

² Petition of Charter Communications, Inc., WC Docket No. 16-197, at 8-9 (filed June 18, 2020).

³ In August 2020, after Charter filed its petition, the United States Court of Appeals for the District of Columbia Circuit set aside this second condition related to interconnection. *Competitive Enterprise Institute, et al. v. Federal Communications Commission*, 970 F.3d 372, 388-89 (D.C. Cir. 2020). As such, the Independent Compliance Officer, appointed to oversee Charter's compliance with the conditions the Commission imposed in connection with the merger, subsequently concluded that her review no longer encompassed this interconnection condition, along with a second condition relating to Charter's offering of a low income broadband program that the court also set aside. See Letter from Barbara S. Jones, Independent Compliance Officer, to Marlene H. Dortch, Secretary, FCC (filed Oct. 15, 2020).

⁴ See *Applications of Charter Communications, Inc., Time Warner Cable, Inc., and Advance/Newhouse Partnership for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 15-149, Memorandum Opinion and Order, 31 FCC Rcd 6327, 6553-57 (2016).

⁵ *Id.* at 6558.