February 4, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554


Dear Ms. Dortch:

On January 30, 2015, a workshop of economists was convened at the Federal Communications Commission (the “Commission” or “FCC”) in Washington, D.C. to discuss certain economic issues presented by the above-referenced applications.

The workshop was divided into four sessions. The subject of the first session was Interconnection. This session was moderated by William Rogerson, Senior Economist for the Transactions, Paul LaFontaine, Economist in the Office of Strategic Planning and Policy Analysis, and Shane Greenstein, Senior Economic Consultant for the Transactions. Panelists included Dennis Carlton and Mark Israel of Compass Lexecon on behalf of the Applicants, David Evans of the Global Economics Group on behalf of Netflix, Inc., Joseph Farrell of Bates White on behalf of Cogent Communications Group, Inc., and David Sappington of the University of Florida and William Zarakas of The Brattle Group on behalf of DISH Network Corp.

The subject of the second session was Online Video Distribution. This session was moderated by William Rogerson, Paul LaFontaine, and David Waterman, FCC Chief Economist. Panelists included Dennis Carlton and Mark Israel on behalf of the Applicants, David Evans on behalf of Netflix, Inc., Joseph Farrell on behalf of Cogent Communications Group, Inc., David Sappington on behalf of DISH Network Corp., and Richard Schmalensee of the Massachusetts Institute of Technology on behalf of Comptel.

The subject of the third session was Program Access, Program Carriage and Other Programming Issues. This session was moderated by William Rogerson, Paul LaFontaine, David Waterman, and Andrew Wise, Economist in the Media Bureau. Panelists included Greg Rosston of Stanford Institute for Economic Policy Research and Michael Topper of Cornerstone Research on behalf of the Applicants, Gary Biglaiser of the University of North Carolina on behalf of the American Cable Association, John Kwoka of Northeastern University on behalf of Entravision, and William Zarakas on behalf of DISH Network Corp.
The subject of the fourth session was Benchmarking, Efficiencies and Other Issues. This session was moderated by William Rogerson, Shane Greenstein and Eric Ralph, Chief Economist in the Wireline Competition Bureau. Panelists included Dennis Carlton, Mark Israel, Greg Rosston and Michael Topper on behalf of the Applicants, and David Evans on behalf of Netflix, Inc., Joseph Farrell on behalf of Cogent Communications Group, Inc., and David Sappington on behalf of DISH Network Corp.

Present for all or part of the workshop were Commissioner Mignon Clyburn and the following additional Commission staff: Jim Bird, Ty Bream, Tim Brennan, Hillary Burchuk, Jessica Campbell, Robert Cannon, Octavian Carare, Jonathan Chambers, Adam Copeland, Hillary DeNigro, William Dever, Jack Erb, Jamilia Ferris, William Freedman, Marcia Glauberman, Rebekah Goodheart, Kalpak Gude, Jamila Bess Johnson, Scott Jordan, William Lake, Jonathan Levy, Katherine LoPicallo, Elizabeth McIntyre, Bakari Middleton, Omar Nayeem, Jeff Neumann, Louis Peraetz, William Reed, Jake Riehm, Joel Rabinovitz, Jonathan Sallet, Julie Saulnier, Michelle Schaefer, Mitali Shah, Susan Singer, Matthew Warner, and Sarah Whitesell. A list of ex parte attendees representing the parties appearing on the panels is attached hereto as Appendix A. A copy of the Agenda is attached as Appendix B. See 47 C.F.R. § 1.1206(b)(1)-(2).

When it is available, the transcript of the workshop will be provided for review for individuals with access to highly confidential information pursuant to the Second Amended Modified Joint Protective Order, DA 14-1639 (rel. Nov. 12, 2014) in the proceeding. Access to the transcript by such individuals will be provided through the Applicants in the manner that they are providing those individuals access to other submissions containing video programming confidential information, highly confidential information and confidential information. In addition, a version of the transcript with any references redacted to video programming confidential information, highly confidential information and confidential information (as defined by the Second Amended Modified Joint Protective Order) and will be placed in the record for public review.

Sincerely,

[Signature]

William Lake
Chief, Media Bureau
Appendix A

Ex Parte Attendees

On Behalf of Comcast Corporation

Davis Polk & Wardwell
Arthur Burke
Christopher Lynch
Tina Wang

Willkie Farr & Gallagher
Francis Buono
James Casserly
Michael Hurwitz
Michael Jones
Mia Hayes
Melanie Medina
Joshua Parker

Compass Lexecon
Bryan Keating
Nauman Ilia

Cornerstone Research
Daniel Schmierer
Marshall Yan

Latham & Watkins
Matthew Brill
Alexander Stout

Jenner & Block
John Flynn

Lukas, Nace, Gutierrez and Sacks
Brooks Harlow
David Lafuria

On Behalf of Time Warner Cable Inc.

On Behalf of Charter Communications, Inc.

On Behalf of the American Cable Association
On Behalf of Comptel

Steptoe & Johnson
Markham Erickson
Andrew Guhr
Damon Kalt

Comptel
Mary Albert
Angela Kronenberg

On Behalf of Cogent Communications Group, Inc.

Boies, Schiller & Flexner
Robert Cooper
James Denvier
Richard Feinstein
Hershel Wancjer

Bates White
Donald Stockdale
Keith Waehrer

On Behalf of DISH Network Corp.

Steptoe & Johnson
Pantelis Michalopoulos
Martha Rogers
Stephanie Roy

Thompson Hine
Daniel McInnis

On Behalf of Entravision

Steptoe & Johnson
Markham Erickson
Andrew Guhr

Legal Policy Solutions
Jeff Blattner

Global Economics Group
Howard Chang

On Behalf of Netflix, Inc.

Wilson Sonisi Goodrich & Rosati
Courtney Armour
Susan Creighton
Victoria Jeffries

Evan Gee
Matthew Magura
Robert Majure
Russell Pittman
Alex Raskovich
Nancy Rose
Lowell Stern

On Behalf of the U.S. Department of Justice
Appendix B

Proposed Comcast-Time Warner Cable-Charter Transaction

Economic Analysis Workshop

Federal Communications Commission
Commission Meeting Room
445 12th Street, Southwest, Washington, DC

Friday, January 30, 2015

AGENDA

9:00 a.m. – 9:15 a.m. Opening Remarks, FCC
Tom Wheeler, Chairman
Jon Sallet, General Counsel

9:15 a.m. – 10:45 a.m. Session I: Interconnection
FCC Moderators: William Rogerson, Shane Greenstein,
Paul LaFontaine
Applicant Economists: Dennis Carlton, Mark Israel
Third Party Economists: David Evans, Joseph Farrell,
David Sappington, William Zarakas

10:45 a.m. – 11:00 a.m. Break

11:00 a.m. – 12:30 p.m. Session II: Online Video Distribution
FCC Moderators: William Rogerson, Paul LaFontaine,
David Waterman
Applicant Economists: Dennis Carlton, Mark Israel,
Greg Rosston
Third Party Economists: David Evans, Joseph Farrell,
David Sappington, Richard Schmalensee

12:30 p.m. – 1:45 p.m. Lunch Break

1:45 p.m. – 2:45 p.m. Session III: Program Access, Program Carriage and
Other Programming Issues
FCC Moderators: William Rogerson, Paul LaFontaine,
Andrew Wise, David Waterman
Applicant Economists: Greg Rosston, Michael Topper
Third Party Economists: Gary Biglaiser, John Kwoka,
William Zarakas
2:45 p.m. – 3:00 p.m.  

Break

3:00 p.m. – 4:30 p.m.  

Session IV: Benchmarking, Efficiencies, and Other Issues
FCC Moderators: William Rogerson, Shane Greenstein, Eric Ralph
Applicant Economists: Dennis Carlton, Mark Israel, Greg Rosston, Michael Topper
Third Party Economists: David Evans, Joseph Farrell, David Sappington

4:30 p.m.  

Adjournment