

**CONCURRING STATEMENT OF
COMMISSIONER MIGNON L. CLYBURN**

Re: *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.

First and foremost, my goal has and always will be to bring fast, affordable broadband to all Americans. In that vein, less than one year ago, as part of the Commission's approval of the Charter, Time Warner Cable, and Bright House Networks merger, I stated that I wished the Commission would have gone further, by requiring New Charter to build-out broadband to more locations. Regrettably, that ship has sailed. But by preserving New Charter's condition to bring broadband to two million new locations, this Order addresses another one of my concerns: namely, that among those locations, we allow New Charter to serve more unserved homes.

It is unfortunate that because we did not push New Charter to go further, in this Order we must decide either that competition must suffer or unserved Americans should go without broadband. And, that in making that choice, we need to say either that the condition in the underlying Order is either not merger-specific or that it is not in the public interest.

But, make no mistake, my commitment to greater broadband competition should never be questioned, and I vow to continue the fight to bring choice to more consumers. At the same time, it has become clear that forcing New Charter into competing with another carrier, incentivizes the company to overbuild where the weakest potential competition currently exists. Given our conclusions about competition in the broadband market, I am concerned that years from now, we will simply end up with still only one entity—New Charter—serving those “overbuilt” areas. By removing the overbuild condition, we at least give New Charter the freedom to serve more unserved communities. Delivering broadband to one million additional homes at 25/3 Mbps in the manner proposed in this docket, could mean that almost three percent of our nation's unserved areas will at least have one option.

For these reasons, I will concur.