



Federal Communications Commission
Washington, D.C. 20554

December 22, 2014

Via U.S. Mail and Electronic Mail

Kathryn A. Zachem
Senior Vice President, Regulatory and State Legislative Affairs
Comcast Corporation
300 New Jersey Ave., N.W.
Washington, DC 20001

Steven Teplitz
Senior Vice President, Government Relations
Time Warner Cable Inc.
901 F Street, N.W.
Washington, DC 20004

Catherine Bohigian
Executive Vice President, Government Affairs
Charter Communications, Inc.
1099 New York Avenue, N.W., Suite 650
Washington, DC 20001

Re: Applications of Comcast Corporation, Time Warner Cable Inc., Charter Communications, Inc., and SpinCo for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 14-57

Dear Ms. Zachem, Mr. Teplitz and Ms. Bohigian:

It has recently come to our attention that Time Warner Cable (“TWC”) has discovered a significant number of responsive documents that were not timely produced to the FCC. For the reasons stated herein, the Commission will stop its informal 180-day transaction clock until January 12, 2015.

On August, 21, 2014, the Commission issued Requests for Information that required TWC to produce responsive documents and a written explanation supporting the withholding of responsive documents on the basis of privilege. Responsive materials were due to be produced on September 11, 2014. Beginning in December 2014, Commission staff learned that in excess of 7,000 responsive documents had been withheld based on an inappropriate claim of attorney-client privilege. These documents were produced to the Commission on December 9 and 10, 2014, and Commission staff was advised that a complete revised privilege log would be provided

in mid-January, 2015. During the week of December 15, 2014, Commission staff learned that in excess of 31,000 responsive documents had not been produced to the Commission due to vendor error, and would be produced on December 30, 2014. After Commission staff expressed concern about the delays in production of the missing documents and the privilege log, TWC now advises Commission staff that it will produce these missing documents and a complete privilege log on December 22, 2014.

The effect of these late disclosures has been to slow down the Commission's review of the Comcast/TWC/Charter transaction, in particular because sections of the review that staff had thought were complete now must be reopened to take account of the additional documents that have been disclosed. This does not simply require examining the additional documents, but re-running many of the document searches and reconsidering the analyses that staff thought were complete. In addition, staff has been hampered in its review of TWC's privilege log because, after only a cursory review of the log, it was apparent that many entries were incomplete which hampered review of TWC's privilege claims. While the Commission can understand and accept that minor errors can occur when preparing both documents for production and privilege logs; it expects applicants to promptly correct errors, without prompting, when they occur. Here, however, the magnitude of the errors, with respect to both the document production and the privilege log, is material and the delays in rectifying them were substantial so that the tardy productions have interfered with the Commission's ability to conduct a prompt and thorough review of the pending applications.

Accordingly, we are stopping the informal 180-day transaction clock as of the date of this letter for three weeks until the Commission staff has had an opportunity to review the documents and the revised privilege log for completeness. The clock will restart on January 12, 2015. Although we are stopping our informal clock, we note that we are not revising the pleading cycle and Reply Comments are still due to be filed by December 23, 2014.¹

If you have any questions regarding this matter, please contact Hillary Burchuk, Office of General Counsel, at (202) 418-1719.

Sincerely,

William T. Lake
Chief, Media Bureau

¹ We also note that our permit-but-disclose *ex parte* procedures allow interested parties to bring to our attention any new information that is contained in these documents even after the pleading cycle has ended.

