

To the Commission:

This follows-up my previously submitted comments in opposition. On May 11, 2000, in certain Reply Comments filed by Time Warner Cable to the Commission, Time Warner Cable promised it would not put its commercial disputes/interests above those of consumers. I would urge the Commission to consider the promises implicit in Time Warner Cable's May 11, 2000 Reply Comments in the light of its practices with respect to its practices regarding "must-carry" negotiations underway with KMBC-TV9 here in Kansas City, Missouri. Time Warner Cable repeatedly places notices on its announcements channel (here in Kansas City) that threatens termination of KMBC's cable coverage. Because KMBC-TV9 is affiliated with ABC/Disney, these threats give the appearance (rightly or wrongly) that it is Time Warner Cable's intention to eliminate all ABC/Disney content from its coverage. I would suggest that -- considering those promises Time Warner made on May 11, 2000 -- Time Warner Cable's proposed merger be judged in part on its agreement to withdraw those threats of terminated coverage. Again, until the corporate largesse of the combined AOL and Time Warner Cable can assure not only the Commission, but the public, I am not convinced this proposed merger is in the public interest, convenience, and necessity.

To resolve this, I would recommend Time Warner Cable place public-service announcements on all of its cable systems throughout the United States (during prime-time television viewing hours) announcing its intent to merge with AOL, and soliciting public comment. AOL should furnish a similar announcement to its subscribers via its "Welcome" screen. These announcements should run for a minimum of 30 days, and should effectively cover all viewers/subscribers at the cost of the applicants (either AOL or Time Warner Cable, respectively). The applicants, in making such an announcement, should provide the appropriate address at the FCC to which commenters may mail or e-mail their comments on the proposed merger. Last, in the Kansas City Metropolitan Area, and similarly situated cities, where there are ongoing "negotiations" between Time Warner and televisions stations about "must-carry" and retransmission consent rights, those announcements should include a withdrawal of any threat to terminate coverage.

Last, I feel that Time Warner Cable and AOL both need to address the long-standing promises of cost-reduction to cable consumers. For so many years, the promises of cost-savings have been made and not kept. It is time the Commission bring to bear its full regulatory power to resolve this issue. In the beforementioned PSA's, I strongly advocate language be included in the PSA seeking comments on how consumers feel Time Warner Cable has kept its rates down. If those comments from the public suggest that hasn't happened, I would urge the Commission to require that Time Warner Cable make written and legally enforceable commitments to rate reductions in all its service areas. In order to do that, Time Warner Cable should provide a cost analysis of its services now and post-merger, considering the efficiencies of labor benefits of its combined operations and how those cost-savings may be passed along to consumers. AOL should be required to make similar commitments to its subscribers, for the same reasons, and on the same grounds.

To these ends, in conclusion, I feel Time Warner Cable's May 11, 2000 Reply Comments are a step in the right direction. However, I feel such promises shouldn't be empty and ought to be tested. For these reasons, I continue in my opposition to this merger, unless those issues addressed above can be dealt with and overcome by AOL and Time Warner Cable. Until then, I urge the Commission defer action on this matter.

Respectfully Submitted,

/s./ James E. Whedbee
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