

# Carroll G. Robinson

Houston City Council Member  
At-Large, Position Five

May 10, 2000

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BY HAND

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Application of America Online, Inc., and Time Warner Inc. for Transfers  
Of Control (CS Docket No. 00-30)**

Dear Ms Salas:

I am a City Council Member in Houston, Texas. Recent events require me to write and express my concerns relating to the proposed acquisition of Time Warner Inc. ("Time Warner") by America Online, Inc. ("AOL"). Because of AOL's current dominance of the narrowband Internet services market, and Time Warner's domination in the traditional cable distribution and content market, a merger of these entities raises serious concerns for the future of consumer access to independently-owned programming services.

As the recent disruption in carriage of the ABC television network by Time Warner on its cable systems shows, the owner of the cable distribution network has the power to control what consumers are able to see. The monopoly created by this proposed merger will directly impact consumers. In the merged world of broadband delivery of cable services, the distributor will not only be able to control what programming the viewer can see, but also how that programming will be delivered to the viewer. This provides numerous opportunities for the distributor to provide one kind of viewing experience for its affiliated programming services, and another, inferior experience for independently-owned content providers.

Therefore, I believe it is necessary for the FCC to impose strong and effective regulations to ensure that consumers have fair and equal access to the programming and information they wish to receive. I agree with those commenters who argue that the FCC should (i) require open access on the Broadband Internet part of the AOL/Time Warner pipeline and (ii) prohibit discrimination in favor of the channels and content owned by AOL/Time Warner on the interactive television part of the AOL/Time Warner pipeline. Specifically, I believe that any FCC approval of the AOL/Time Warner merger must be conditioned as follows:

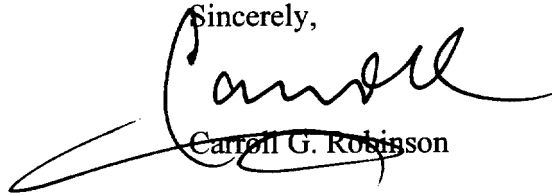
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List A B C D E

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1. Open access for Internet Service Providers
2. Non-Discriminatory Treatment for Unaffiliated Content Providers With Respect to the AOL/Time Warner Video Distribution System.
  - No Discriminatory Navigation Devices or Menus
  - No Screen Bias that Crowds Out or Excludes Unaffiliated Content
  - No Discrimination for Downstream Traffic
  - No Discrimination on Return Path for Interactive TV and Services
  - No Set-top Boxes Rigged to fill Up with AOL/Time Warner Content Before Loading Unaffiliated Content
  - No Caching that Makes AOL/Time Warner's Information or Services Easier to Access than the Information or Services of Unaffiliated Content Providers
  - No Discriminatory Treatment that Undermines Advertising Opportunities
  - Require Protections that Guarantee Openness for Unaffiliated Content and Unaffiliated Interactive TV Service Providers

Ultimately, the consumers must be able to obtain high quality programming services and information from any content provider. Therefore, I believe that the FCC must impose these conditions on its approval of the AOL/Time Warner merger request to ensure that the merged entity does not use its dominant market power to restrict consumer access to unaffiliated content.

Sincerely,



Carroll G. Robinson