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United States Senate

WASHINGTON, DC 20510-2309

May 26, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Chairman Wheeler and Attorney General Lynch:

I ask that you carefully review Charter Communications' proposed merger with Time Warner Cable (TWC) and acquisition of Bright House Networks (BHN) to determine whether these transactions are in the best interest of the American public. I have long been concerned about the effects of consolidation in the telecommunications industry on American consumers. Any deal of this size and scope warrants scrutiny.

For my part, I will be examining this deal in the coming weeks, and I urge the Federal Communications Commission (FCC) and the U.S. Department of Justice (DOJ) to look closely at the consequences for Americans' access to vital telecommunications services and the corporate interests at stake. To protect the American people, it is essential that regulators thoroughly examine the proposed deal and, if allowed to proceed, consider the need for strong and enforceable consumer protections to guard against any anti-competitive effects and to promote the public interest.

As the industry currently stands, "New Charter" would be the second largest multichannel video programming distributor, with 17.3 million video subscribers, and it would control up to 30 percent of the broadband market under the recently updated standard for high-speed Internet service (i.e., requiring a minimum download speed of 25 Mbps). In the companies' joint announcement today, they stress that their combined scale would allow "New Charter" to provide improved telecommunications services at more competitive prices. They further commit to expanding and improving access to broadband Internet for low-income customers. In assessing the promised benefits to consumers, the FCC and DOJ should consider the companies' current practices, the competitive landscape and their incentives to serve the public interest post-transaction, and the extent to which the new company could be held accountable for its stated commitments.

With only a handful of cable and Internet companies currently controlling the market, the burden is on Charter Communications, TWC, and BHN to prove that this proposed deal and further concentration of the industry would affirmatively benefit consumers. Those with an interest in combining these companies must demonstrate that their combined scale will lead to increased affordability, quality, and expansion of telecommunications services for consumers across the nation.

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As always, thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact Leslie Hylton on my staff at Leslie_Hylton@judiciary-dem.senate.gov or (202) 224-5204. I look forward to continuing to work with you as you evaluate Charter Communications' proposed transactions.

Sincerely,

Al Franken
United States Senator