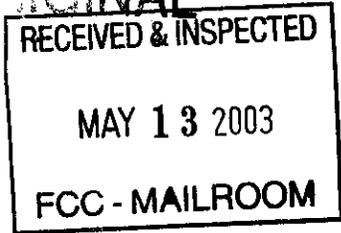




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Via FedEx

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: Ex Parte Presentation, MB 02-52

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's Rules, this is to advise you that on April 15, 2003, on behalf of Charter Communications, Inc. (Charter) Steve Silva, Executive Vice President and Chief Technology Officer, Trudi Foushee, Vice President and Senior Counsel, and David Housman, Vice President Corporate Development met with Jordan Goldstein, Lisa Zaina and Barbara Esbin, all of the Media Bureau, to discuss Microsoft's request for "network neutrality."

The Microsoft coalition is requesting an FCC solution for a problem that does not exist. Microsoft hypothesizes that broadband providers could block, impede or impair customer access to legal content. This claim is broken down in 3 substantial groupings. Charter, addressed all three of these unfounded claims in meeting and will elaborate in this filing.

First, Microsoft alleges Cable operators deny manufactures the right to attach devices to the cable operators DOCSIS network for Internet related content. The truth is, Charter has no control over a manufactures' right to sell a Cable Labs certified DOCSIS cable modem at retail and has never denied or attempted to preempt a consumer's choice in the equipment they prefer to own and attach to Charter's network to access the Internet for Services as described in Charter's Acceptable Use Policy "AUP".

Furthermore, consumers have the right to choose the computing device of their choice to access Internet content, send and receive personal email, perform residential Internet transactions, subscribe to content services, and other commonly know functions of non-commercial Internet usage. Devices attached to the Cable network through the DOCSIS modem are provided by the customer and are the responsibility of that customer. However, Charter does make "Recommendations" as to the minimum performance of a computing device to ensure the customers ability to provision the service and have a satisfactory experience.

The second issue of the Microsoft lead consortium, which Charter is responding to, is the claim that Cable operators could block, impede or impair customer access to legal content. Charter has never instituted a policy nor condoned the use of blocking.

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access to legal downloadable Internet content. Customers of high-speed Internet access services may, without restriction, retrieve information from the Internet, including the World Wide Web, and obtain Internet access through their browser to e-mail accounts. Given the availability of competing broadband (and other) internet access services, and financial market pressures to attract customers and to provide additional broadband services to them, our market incentives dictate that we enable, not to block Internet access. As stated in our meeting at the FCC, the trend of “Walled Garden” to “Internet Content” occurred due to market pressure, customer demand, and financial opportunity.

The third issue being addressed in this filing is the claim that Cable Operators could control “Desk Top Applications”. Charter Communications Broadband service allows the use of non-proprietary browsers and user technology. Charter customers may elect to use any Browser, media player, and email destination of their choice assuming it is compatible with the customer’s own equipment. Variety and customer choice demands that Charter and the MSO community continue to develop and provide technical solutions to bring content, applications, and a richer broadband experience to the consumer.

Charter currently has agreements with the ISP community through our relationship with Earthlink (150,000 customers), MSN’s Customized Portal available as an option (over 1 Million unique users), XBOX On-line, listen.com, and varied content providers. Again, this is a market driven demand and opportunity that may fall victim to the unintended consequences of government regulation.

Charter has been the forerunner in promoting “Tiered” broadband services, which is yet another example of how market forces drive Charter naturally to provide customer choice. Tiered service allows customers to buy speeds and throughputs tailored to their needs. They may buy broadband Internet access for as little as \$29.99.

Coalitions such as Microsoft’s have also made allegations that Broadband providers AUP’s are restrictive. Acceptable Use Policy’s are used by Internet Service Provider’s to protect their network and business from unwanted abuses. This is true in the Dial-up and DSL business community where Microsoft, AOL, and Earthlink have substantial share. Charter’s Residential Service packages are subject to the restrictions of the AUP which prohibits harm to the network, reselling access, commercial services, allowing unauthorized access, security breaches, use of or sharing of illegal and/or non licensed content or applications. Legal use and legal access for commercial services and applications may be purchased through Charter Business Networks also known as CBN. This separation of Residential and Commercial services allows Charter to maintain the network robustness, offer low cost tiered Broadband product offerings, and minimizes abuse cases and harm to the Charter network.

The Microsoft coalition is not addressing a real problem nor are they defending consumer interests. Rather than to work within this vibrant and rapidly expanding marketplace, the Coalition is trying to manipulate regulatory policy to their selected business advantage. There is no case to regulate an industry were consumer rights have not been violated, nor ever likely to be violated because consumers themselves demand freedom and choice; and, the business sector is not at risk of posing harm to the welfare of any layer of the communication technology.

The unintended consequences of any regulation is likely to be counter productive to the People, and the Telecommunication industry as a whole.

Sincerely,



Trudi McCollum Foushee
Vice President and Senior Counsel
Law and Regulatory Affairs

cc: Lisa M. Zaina, (via Fax and Mail)
Jordan Goldstein, (via Fax and Mail)
Barbara Esbin, (via Fax and Mail)