October 6, 2025

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE: Comments Regarding Applications of Cox Enterprises, Inc. and Charter Communications, Inc. For Consent to Transfer Control of Licenses and Authorizations, WC Docket No. 25-233

Dear Ms. Dortch,

The ACLP at New York Law School respectfully submits the following comments in the above-referenced proceeding.

Should you have any questions, please do not hesitate to contact us.

Kind regards,

/s/
Michael J. Santorelli, Director

/s/
Alex Karras, Senior Fellow

Based on the following analysis of the significant public interest benefits associated with the proposed transaction, the ACLP respectfully recommends that the Federal Communications Commission (FCC) swiftly approve the merger of Charter and Cox without conditions.

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To adequately judge the merits of the proposed merger, the FCC must endeavor to understand the context within which this transaction is occurring. Such an inquiry is critical when evaluating the public interest benefits highlighted by the parties and to deciding whether conditions are warranted.[1]

Today's advanced communications marketplace is defined by robust intermodal competition among an ever-expanding cadre of firms; rapid convergence; and insatiable consumer demand for high-speed internet access. Consequently, firms like Charter, Cox, and numerous others aggressively compete on multiple fronts for customers by offering a range of internet on-ramps and related services.

The bright lines that once separated discrete segments of the advanced communications market have blurred to the point of irrelevance. Now, most major ISPs offer, or seek to offer, triple- or quadruple-play options of voice, video, data, and/or mobile. As a result, Charter and Cox compete with a broader array of firms than at any time in the past.

- Among the most aggressive competitors has been those offering in-home fixed wireless service, which compete directly with cable and other wireline providers. Given the robust nature and popularity of these offerings, fixed wireless has succeeded in siphoning away a sizeable number of customers from cable ISPs in a variety of markets.[2]

- Cable also competes directly with fiber providers, whose offerings are available to more than half of all U.S. households,[3] with several million more

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[1] *See, e.g., Applications of T-Mobile US, Inc., and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations*, 34 FCC Rcd 10578 at 10495-19596 (2019) (discussing the role that the Commission's competitive analysis plays in informing its public interest assessment).

[2] *See, e.g.*, Jeff Baumgartner, *Cable Could Return to Broadband Sub Growth in 2026 – Forecast*, Oct. 9, 2024, Light Reading, https://www.lightreading.com/cable-technology/cable-could-return-to-broadband-sub-growth-in-2026-forecast (detailing significant subscriber losses by cable due to the rise of 5G fixed wireless offerings).

[3] *See* FCC, National Broadband Map (indicating that, by the end of 2024, fiber was available to nearly 50% of all households); Doug Mohney, *U.S. Home Fiber Deployments Top 88M Homes Passed,* April 17, 2025, Fiber Broadband Association, https://fiberbroadband.org/2025/04/17/u-s-home-fiber-deployments-top-88m-homes-passed/ (finding that fiber was available to about 56% of all households by early 2025).

in line to receive fiber as BEAD and other broadband grant funding is used to support continued deployments across the country.[4]

- At the same time, cable companies like Charter, Comcast, and Cox now offer mobile broadband services. These have proven to be enormously popular among consumers, with millions flocking from traditional wireless carriers like AT&T and Verizon to these platforms. In 2024, "[n]early half of all wireless line additions...were from a cable operator."[5]

- New competitors continue to flood the market, many of whom have developed business models that revolve around leveraging federal funding to fuel their entrance.[6] In addition, broadband offerings by low earth orbit (LEO) satellite firms are increasingly popular and could be poised for significant expansion in the years ahead.[7]

The consumer welfare gains generated by these market dynamics have been tremendous.

- Broadband speeds across every platform continue to rise, accommodating voracious data consumption by users.

- All the while, prices for broadband continue to decrease. Indeed, in real terms, home internet is cheaper today than it was in 2018.[8]

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[4] *See, e.g.,* Connected Nation, BEAD Tracker, https://app.powerbi.com/view?r=eyJrIjoiMTMyZmRhNzMtNWY5NC00OTlmLTgxNjEtZjA1OTFlNWIxZTE2IiwidCI6IjVhMjNkMTNlLTBhM2UtNDI5MS04ZDMzLTM5N2Y2YTEwZjEwYiJ9.

[5] Russell Leung and Lillian Rizzo, *Why Cable Companies Like Comcast and Charter are Leaning into Mobile Service,* April 23, 2025, CNBC, https://www.cnbc.com/2025/04/23/comcast-charter-cable-mobile-service.html (citing data from MoffettNathanson).

[6] *See, e.g.,* Michael Santorelli, *Disaster Opportunism Does Not Enhance Broadband Connectivity. Established ISPs Do,* April 4, 2024, Forbes, https://www.forbes.com/sites/washingtonbytes/2024/04/04/why-policymakers-must-ignore-disaster-opportunists--trust-established-isps/.

[7] *See, e.g.,* Masha Abarinova, *Is Satellite Broadband Good Enough to Deliver Internet For All?*, Nov. 14, 2024, Fierce-Network, https://www.fierce-network.com/broadband/satellite-broadband-good-enough-deliver-internet-all; Karl Bode, *Maine, New Mexico Wants Starlink Part of the Mix: Balancing Trade-Offs and Concerns,* Dec. 15, 2024, Broadband Breakfast, https://broadbandbreakfast.com/maine-new-mexico-want-starlink-part-of-the-mix-balancing-trade-offs-and-concerns/; Blake Ledbetter, *Texas Opens Funding for Starlink, LEO Rivals,* Jan. 21, 2025, Broadband Breakfast, https://broadbandbreakfast.com/texas-opens-funding-for-starlink-leo-rivals/.

[8] Alex Karras, Phoebe Kamber & Michael Santorelli, *Broadband Prices in Context,* Sept. 19, 2024, Broadband Expanded Blog, https://broadbandexpanded.com/posts/pricegrowth.

- In the wireless segment, the price per megabyte of wireless data has plummeted by 97% over the last decade.[9]

In this ever-changing environment, some firms are well positioned to navigate these market forces and continue pushing the market to compete, innovate, and deliver continued consumer welfare gains. Other firms (think Sprint prior to its acquisition by T-Mobile) will likely fall behind or fail outright. The proposed transaction brings together both kinds of firms and will yield a single entity that is well-positioned to compete vigorously in the advanced communications arena.

Charter has consistently demonstrated a desire to not only grow its footprint but to do so in a manner that seeks to bring as many people from as many parts of the country as possible online. It was among the largest winners of RDOF funding and is on track to follow through on its commitments to bring broadband service to millions of previously unserved and underserved locations across the country.[10] Charter, via Internet Assist, also continues to offer low-cost options for qualifying customers who struggle to afford a broadband connection. Combined with a robust menu of service offerings across each of its platforms – mobile, cable TV, VoIP, broadband, etc. – customers of every ilk, regardless of where they live, have reaped significant gains from Charter's robust competitive engagement in the marketplace.

Cox's customers will benefit from this engagement – and Charter's scope and scale – in multiple ways. Post-merger, Cox's customers will be able to:

- Access more robust and modern wireline and wireless network infrastructure, providing faster speeds and more seamless connectivity across the U.S.

- Avail themselves of more competitive pricing for these services.

- Benefit from Charter's innovation across every aspect of the consumer experience, from its focus on modernizing and hardening its network infrastructure to responsibly deploying AI to enhance customer service.[11]

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[9] *U.S. Wireless Data Use Skyrockets, Passing 100T Megabyte Milestone, CTIA Annual Survey Finds,* Sept. 10, 2024, CTIA, https://www.ctia.org/news/u-s-wireless-data-use-skyrockets-passing-100t-megabyte-milestone-ctia-annual-survey-finds.

[10] *See, e.g.,* Masha Abarinova, *Charter CEO Thinks Satellite Has an Edge in Rural Areas,* Dec. 11, 2024, Fierce Network, https://www.fierce-network.com/broadband/charter-ceo-thinks-satellite-has-edge-rural-areas.

[11] *In the Matter of Cox Enterprises, Inc. and Charter Communications*, Public Interest Statement, FCC WC 25-233 (July 14, 2025), https://www.fcc.gov/ecfs/document/10715141122783/2.

The U.S. economy also stands to benefit from the merger. In addition to serving as a competitive nudge to the wider advanced communications marketplace, Charter's commitment to "onshore Cox's customer service functions, in line with Charter's commitment to a 100% U.S.-based sales and service employee workforce" will "offer[] U.S. workers good-paying jobs with full benefits and meaningful opportunities for growth and advancement."[12] At a time of growing economic uncertainty, this commitment to creating U.S.-based jobs demonstrates Charter's dedication to investing in its workforce.

In sum, the pro-competitive and pro-consumer impacts of the proposed transaction make clear that the merger will further the public interest. In addition, given the intensely competitive nature of the advanced communications marketplace, there does not appear to be any need to attach conditions to the proposed transaction. The merger will not harm consumers or the competitive dynamics of the market. Instead, the merger comes in response to competitive pressure from intermodal rivals and insatiable consumer demand for all-things broadband. The merger is thus positioned to enhance – not hinder – competition.

As such, those who attempt to argue that the proposed merger is anticompetitive or that it will harm consumers or that conditions are necessary to address specific harms that might arise post-merger face a very high bar for proving their case. In the absence of compelling real-world data highlighting specific harms to competition – *i.e.,* that the merger will undermine competition, or reverse the years-long downward trend in broadband prices or dampen the continued uptick in broadband speeds – the FCC should move swiftly to approve this transaction without conditions.

[12] *Id.* at p. 24.