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March 21, 2024

VIA ECFS

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

Re: Multi-Tenant Environments, GN Docket No. 17-142

On March 19-21, 2024, Stephanie Power of Comcast, Maureen O’Connell of Charter Communications, Barry Ohlson and Jennifer Prime of Cox Enterprises, and Pam Arluk and Steve Morris of NCTA – The Internet & Television Association (NCTA), met with the Commission staff identified in the attachment to this letter to discuss the proposal circulated by Chairwoman Rosenworcel in the above-referenced proceeding.¹

NCTA explained that the benefits of bulk billing arrangements for consumers are significant and that interfering with the ability of building owners to offer these arrangements to their tenants will result in higher broadband and video prices and other harms for consumers, with questionable and limited benefits. Moreover, as with other services and facilities that may be provided in a multi-tenant setting (e.g., gym facilities, landscaping, party room), a tenant that chooses to live in the MTE necessarily opts in to the choices made by the MTE owner as to the services and facilities offered, with no expectation of receiving a credit if the service or facility is not used by the tenant.

We also discussed that bulk billing arrangements can help efforts to provide broadband to low-income consumers. A significant portion of low-income consumers live in MTEs, and BEAD and other government programs are focused on increasing deployment and adoption in these buildings. Bulk billing arrangements are used by local governments as a critical tool in reaching residents in these buildings. We encouraged the Commission to include a robust discussion of the impact of any new regulation on efforts to serve low-income buildings, including the ability of tenants in these buildings to participate in subsidy programs, to ensure

¹ See Press Statement, *FCC Chairwoman Announces Push To Lower Broadband Costs & Increase Choice For Families Living In Apartment Buildings* (Mar. 5, 2024), <https://docs.fcc.gov/public/attachments/DOC-400915A1.pdf>.

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that it develops a complete record that will identify and enable the best solutions to these challenges.

The Commission last addressed bulk billing in 2010 and found that that the benefits of bulk billing are greater than its harms.² In particular, the Commission noted the significant discounts tenants involved in bulk billing arrangements receive, as well as numerous other benefits, including higher quality services, specialized services for the MTE residents, and the ability to obtain service without credit checks and security deposits.³ The Commission concluded that these benefits for all bulk billing customers outweigh the costs for the subset of customers that choose to pay for a second provider.⁴ We explained that nothing has changed since the Commission made this determination in 2010 that warrants a different conclusion now. As such, NCTA encouraged the Commission to adopt a neutral item that seeks to build a record on these issues, rather than reaching a tentative conclusion that prohibition or restriction of bulk billing is warranted.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: E. Cuttner
L. Garry
M. Peraza
H. Steffen
J. Faulb
J. Held-Hernandez
R. Auh
A. Copeland
M. Berlove
J. May
B. Goodwin

² *Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments*, MB Docket No. 07-51, Second Report and Order, FCC 10-35 (rel. Mar. 2, 2010).

³ *Id.* ¶¶ 17-23.

⁴ *Id.* ¶ 28 (“Finally, it would be a disservice to the public interest if, in order to benefit a few residents, we prohibited bulk billing, because doing so would result in higher MVPD service charges for the vast majority of MDU residents who are content with such arrangements.”). The Commission also concluded that this outcome “is consistent with the generally favorable attitudes towards ‘bulk discounts’ expressed in 47 U.S.C. § 543(d).” *Id.* ¶ 10 n.12. Likewise, the Commission declined to address bulk billing arrangements in its 2022 MTE Order. *Improving Competitive Broadband Access to Multiple Tenant Environments*, Report and Order and Declaratory Ruling, Report and Order and Declaratory Ruling, 37 FCC Rcd 2448 ¶¶ 9 n.37, 10 (2022).

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NCTA Meetings

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Hayley Steffen

Office of Commissioner Gomez

March 20, 2024

Elizabeth Cuttner

Lauren Garry

Office of Chairwoman Rosenworcel

Office of Commissioner Carr

March 19, 2024

Marco Peraza

Office of Commissioner Simington

Justin Faulb

Jasmine Held-Hernandez

Roy Auh

Office of Commissioner Starks

Adam Copeland

Michele Berlove

Jodie May

Benjamin Goodwin

Wireline Competition Bureau