

**Congress of the United States**  
**Washington, DC 20515**

May 16, 2008

Mr. Neil Smit  
President and CEO  
Charter Communications  
12405 Powerscourt Drive  
St. Louis, MO 63131

Dear Mr. Smit

We are writing with respect to recent media reports that Charter Communications has announced plans to begin collecting information about websites that subscribers visit and then disclosing such data to a firm called NebuAd. This firm, in turn, will use such data to serve ads to individual Charter customers on subjects directly related to their interests as gleaned from subscribers' use of Charter Communications services.

As you are likely aware, Section 631 of the Communications Act contains privacy provisions regarding cable operators. The legislative history of Section 631 of the Communications Act of 1934, which was added as part of the Cable Act of 1984, notes that "[c]able systems, particularly those with a "two-way" capability, have an enormous capacity to collect and store personally identifiable information about each cable subscriber," and that "[s]ubscriber records from interactive systems can reveal details about bank transactions, shopping habits, political contributions, viewing habits and other significant personal decisions." (*see* H. Rep. No. 934, 98<sup>th</sup> Con., 2d Sess.29-30 (1984)).

In addition, in 1992, as part of the Cable Television and Consumer Protection and Competition Act (PL 102-385), Congress added the term "other services" to the statute. Congress did so "to ensure that new communications services provided by cable operators are covered by the privacy protection embodied in Section 631 of the Communications Act." (*see* H.Conf.Rep. No. 102-862, 1992 U.S. Code Cong. And Adm. News 1275-76).

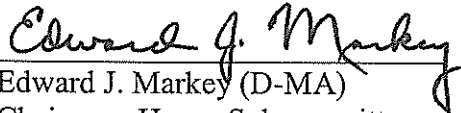
Any service to which a subscriber does not affirmatively subscribe and that can result in the collection of information about the web-related habits and interests of a subscriber, or a subscriber's use of the operator's services, or the identification of an individual subscriber, and achieves any of these results without the "prior written or electronic consent of the subscriber," raises substantial questions related to Section 631.

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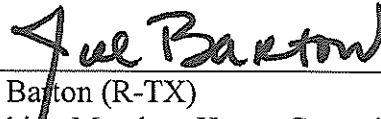
We respectfully request that you do not move forward on Charter Communications' proposed venture with NebuAd until we have an opportunity to discuss with you issues raised by this proposed venture.

Thank you in advance for your time and attention to this request. We look forward to hearing from you.

Sincerely,



Edward J. Markey (D-MA)  
Chairman, House Subcommittee  
Telecommunications and the Internet



Joe Barton (R-TX)  
Ranking Member, House Committee on  
Energy and Commerce