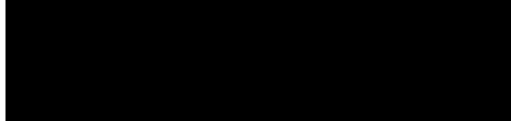


Brian & Traci Bergin



Barry W. King, Esquire
Manager & Counsel-Litigation
Charter Communications
12405 Powerscourt Dr
St Louis, Missouri 63131-3674

17 July 2007

Mr. King,

I would like to address your letter of 13 July 2007. I respectfully believe you may not have all the information and that some of the information you do have may be inaccurate or incomplete. I will endeavor to provide you with accurate and complete information with this letter. I will do my best to provide accurate timelines, contact information, and resolutions to the issues at hand. I will apologize upfront if I misspell an individual's name. I didn't always ask them to spell their name. I also ask that a copy of this letter incorporated into my account file as I am sure your letter was as well.

I will also apologize up front for the length of this letter; however, it contains 10 years of history I am sure you were not provided when you wrote your letter. I believe you will find it enlightening. I will be happy to furnish copies of any of the e-mails referenced herein.

First, I am, admittedly, a technology geek through and through. I enjoy having the latest technology and am often the first to deploy the technology. I have no problem spending money on that technology assuming I get what I'm paying for. I, however, also expect the companies I pay to provide service and support at the levels commensurate with the fees charged and paid.

As I stated in my voice mail, I have yet to raise an issue in the past 10 years, other than the NBC HD issue, where Charter has not come back and fully agreed that I was right in the first place, even after it often insisted I was wrong for days, weeks, or months. I continue to believe that Charter will, in the end, come to see that the removal of the NBC HD channel was also a mistake, though I doubt it will admit that. I believe in working with any company who will work with me. As I believe you will see as you read on, however, unless you know the right person at Charter one has little chance of getting anything fixed. You have asked that I be professional and I always strive to be professional; however, after you read on, you will see where my frustrations derive. I doubt any customer with the issues I've had to deal with as a Charter customer is much happier than I am. In fact, I'm betting large numbers of them are not Charter customers any more. One of my next door neighbors moved in last summer and didn't make it 6 months with your service before they went to a dish! How many others have done likewise? Based on information I've gathered on Charter's subscriber base, we know what they have done.

I was the first non-employee on this system's telco-return cable modem system. I was one of if not the first customers on Charter's digital cable in this area. I had a friend working for Charter who had my boxes ready to go at 7AM the day you were to start selling the service. I even had "home theater" set top boxes (boxes with optical and bit stream audio connections to allow for true digital sound as opposed to the old analog L/R audio found on most of your boxes at that time) to connect to my 5.1 surround system I already had installed in my home. I was back at home by 7:30 and had the boxes in installed immediately.

Upon installation I found not much worked above the analog channels and the higher you got the worse it got meaning the premium channels like HBO were miserable. For years we couldn't get through one premium movie without it tiling, blocking, dropping out, or losing sound, often for minutes at a time. Charter dispatched tech after tech after tech and never found anything wrong with my home wiring or my set top boxes and was unable to fix it. It was SEVERAL years before the digital tier was watchable. Anthony Barlage, Boone's GM at the time, absolutely refused to investigate the problem to resolution. It was easier for him to give discounts than fix problems. It was not until late 2002 or early 2003 that the problems were finally resolved. After 4 or 5 years, Charter finally found bad lines in the area, replaced them, and the problems were resolved.

In 2003 Charter "upgraded" the head end in Boone by essentially removing it and connecting the Boone system to Hickory's head end via fibre. When you did this it was painfully obvious to many of us that nothing was tested and that no plans were in place to revert to the old system until the problems were corrected. SciFi and other channels were totally unwatchable for weeks. This was during the time SciFi released the most expensive and anticipated production they'd ever undertaken in the new Battlestar Galactica mini series. For the thousands of your customers here in Boone that watch SciFi it was a miserable several weeks. Again, no one at Charter even knew the problem existed until I reported it and once it was reported it took weeks to fix, all the while we continued to pay for the unusable service.

After the move to the Hickory head end we went years with one audio channel on CNN and The History Channel working with the other channel with white noise. To watch them you had to turn the audio off the bad channel just to avoid the hiss. They're finally fixed, but that took years and it's amazing how they got fixed when I mentioned it to Charter employees in Hickory.

When VOD was deployed in this area a couple of years ago it was unusable for over a year. The running joke around here was you'd better go to Church on Friday night, because if you have VOD problems over the weekend it'll be dead until Monday at 8:05 AM, five minutes after the first Charter employee arrived in Hickory and noticed it was down again. It was amazing how often VOD would be dead from 6PM Friday night until just after 8AM Monday morning. We went months when VOD didn't work at all for the entire weekend. The VOD problems in general went on for a year. Reporting it to your customer service folks got your customers nowhere. I finally ended up at Josh Jameson's office (VP with Charter at the time) and was directed to Dan Flint to try to resolve issues. Mr. Flint was very professional and tried for months to resolve the issue; however, in the end, he was never able to do so. At some point the system was transferred to Matt Favor in VA (yet another Charter VP) who had been brought in to correct similar problems in other Charter systems. He promptly realized the problem, removed the original VOD provider and replaced them with another that had much of the problem resolved. Matt did in a couple months what no one else at Charter could do in a year. Matt encouraged me to report problems directly to him and even gave me cell #'s for some Charter employees in Hickory. He also asked that I call your customer service people so he could reference the information in the system each time to track how often the local system was being notified. I have done as he has requested for every issue since then.

The system was then transferred to Anthony Pope's office. Mr. Pope has not been as customer-friendly as Mr. Jameson or Mr. Favor were. While the previous two were always eager to resolve issues I reported, Mr. Pope has always handed it off to someone else and I would never hear back from him. I fear that the constant moving of this system from one VP to another, from one region to another, and from one operations manager to another has led to some of the problems in this area.

By January 2006 my family bought a Sony WEGA HD TV and "upgraded" to your full HD service (all of the HD channels). We immediately noticed that WBTV HD, CBS channel 781, was unwatchable 90% of the time. Numerous calls to your "normal" channels garnered exactly ZERO help. None. They again insisted the problem was mine alone even though I'd confirmed the problem at friends' homes with HD. Weeks, then months, went by with NO change. I finally took the issue to Anthony Pope's office who got me in touch with Ron Mize in Hickory. Ron informed me that he didn't have HD at his home to compare findings. After some time he took a DVR box home and was able to reproduce my findings 100%. Furthermore, when he discussed this with his folks in Hickory other Charter employees there he got the 'oh, yeah, we've seen that too' response. How is that even possible? How can Charter's own employees know about the problem with your signal and do nothing about it?

During this time I was introduced to Janet Cloyde, who at the time was the Director of Operations for NC. I worked with Ms. Cloyde to try to find a solution to this problem, a problem that Charter had yet to resolve. Ms. Cloyde was quite professional and responsive. She started working on the WBTV problem but was unable to get very far with a resolution.

Since I was getting nowhere with Charter, I went directly to WBTV and talked with their engineers Ron Yoslov and Don Shaw. They were as perplexed as I was. They worked with Ron Mize for a long time with no resolution. After a while a gentleman named John Shreves called. After a few minutes I embarrassingly asked what his position at WBTV was. He replied that he was the president of Lincoln Financial Media. He assured me that he would get to the bottom of this. He also asked that I inform him of any issues such as these as he was fully committed to have the best possible customer experience with WBTV. He asked that I provide him updates of the situation as the issue progressed. On one Sunday I reported an issue via e-mail and got a call from Mr. Shreves less than an hour later! That is customer service. I was just reporting the incident as requested and didn't ask for a call back but Mr. Shreves took his personal time to contact me and discuss the problem. That is an executive who knows how to take care of their customer. Mr. Shreves has been very frank with me. Telling me exactly what the status of the situation was, who was working on it, and what he felt the status was. Over time Mr. Shreves and I have spoken for several hours on the phone all the while his concern was making sure his product was the best it could be. As a consumer of his product I was happy to help. I'm not asking that Paul Allen call me about problems, but is it too much to ask that Charter provide the same level of professionalism, customer commitment, and timeliness Mr. Shreves does? I do, however, have to wonder if Mr. Allen knows about the issues this area has faced over the years?

After a few months of working on this Mr. Shreves asked if he could send Ron Yoslov and Don Shaw to Boone to meet with me and Charter reps in my home to view the problems first hand. I had hours of Windows Media Center recordings of the problems and they were also able to see the problem live. After that meeting, Mr. Shreves' people discovered at least one piece of equipment causing data corruption. Charter also made several additional adjustments on their end to better incorporate the WBTV signal. That took almost a year of "complaining" to get resolved and in the end I had to get it resolved. Charter did little to nothing to resolve this. In fact, more than one Charter representative told me that working with broadcasters was difficult at best and that they would be less than cordial about

fixing the problem if the even wanted to fix it at all. I found WBTV's people exactly the opposite of how Charter portrayed them. The problem remained for almost a year for me, longer I assume for all your other HD customers and I did your job for you to get you with the right people at WBTV. Today, WBTV is as good as the other broadcast channels we have. Why did this go on so long? Customers don't call your call centers because your call centers don't report problems to local systems and even after employees see it themselves they don't report it. In my humble opinion, that's a vicious cycle that needs corrected immediately.

By Dec 2006 we had VOD issues again that were not resolved until late April 2007, fully five months out. When Charter updated the set top box guide software it broke VOD. Again, Charter did an upgrade with no plan to revert to what worked and failed to fully test the new system before it forced it on its customers. I had to be the one to push Charter to find the problem because Charter repeatedly claimed there were NO problems. After spending hours I did your job yet again and was able to reproduce the VOD lock ups 100% of the time. I reported that information to James Doster who retested and concurred that my findings were accurate. I told him I felt a software problem causing a memory leak was to blame with compatibility issues with some of your digital set top boxes. In the end it was exactly that. Five months later we had VOD functioning again. Asheville got the update a couple of months before us from what I'm told. I'm not sure how that works, Charter breaks everyone's VOD and Asheville gets the fix a long time before we do?

Between December 2006 and April 2007 Starz occasionally broadcast Sin City (Bruce Willis, Jessica Alba). I reported that on each occasion the movie was delivered in Spanish audio to both the NTSC digital and the HD digital channels even though they were English channels. Once again, customer service claimed it was my TV settings. I tried to tell them that it happened on all 3 of my TVs and only for Sin City AND that it happened when I sent sound directly from your set top boxes via an optical cable to my digital home theater systems. Customer service could not grasp that the optical cable to a sound system negated any setting on my TVs. I then contacted Starz Entertainment via their web site. They assured me their master recording and their continuous QA recording of what they broadcast proved it was in English. The assurances came from Ray Milius, Senior Vice President, Programming Operations, Starz Entertainment. Once again, a terrific example of customer service. I had no expectations that a Senior VP would contact me after submitting comments via their web site. Again, Mr. Allen need not contact Charter customers, but surely he has people with authority to fix problems who can. In early spring I contacted Mr. Milius again advising him that through March 2007 we continued to get Spanish audio for this particular movie. Janet Cloyde and James Doster were included in the subsequent e-mails. Even though I had repeated been told it was my TV's problem, Mr. Doster was able to determine that it was Charter's issue due to the set top box's *default* setup with movies with both English and Spanish tracks. Once again, had I not gone to Starz and then directly to individuals at local Charter I doubt this would have been corrected by calling customer service. How many of your customers just didn't bother to call because they felt as I do that calling customer service is futile?

Earlier this spring on a Saturday afternoon we came home to no cable TV and no high speed cable Internet (my DSL was still online and functioning just fine). Your call center said it was my problem and that no one else had reported it. Funny how all my friends and neighbors I called had the SAME problem. By Sunday AM we still had no TV so I called a local Charter tech I know and left him a message on his cell phone. After he got out of Church he went into your local office and found a piece of equipment that had overheated and shut off. 15 minutes after he got there he had problem resolved. I had reported this to Charter a day earlier. I had to bother someone on his day off to fix a problem that had been reported a day earlier! From what I understand, a large portion of Watauga County was without cable service for a day and I'm chastised for complaining about service? How many customers

have you lost because your call centers don't report issues like this? How do you have critical equipment like this that doesn't have automated monitoring systems that notify correct individuals when there's a problem?

A couple months later we were without cable starting around 6:30 PM on a Friday night. I called customer service and was told the estimated time to repair was 1½ hours, excellent timing given we were down to the last few episodes of Stargate SG-1 on SciFi. By 9PM, 2½ hours later, I called back and had a rep argue with me stating that "no one at Charter would tell me that." Essentially calling me a liar. When I questioned his statements, protested at his innuendo, and said I wanted to speak with his supervisor he told me that because Charter sold telephone service now it was a regulated company and didn't have to allow me to talk to his supervisor. He then hung up. I doubt the North Carolina Public Utilities Commission would agree that a "regulated company" may hang up on a customer who asked to speak to a supervisor after suggesting a customer lied. I promptly called back and spoke with a supervisor who immediately agreed that the previous rep was 100% wrong, telling me that every Charter customer service rep has access to a "board" (really computer based) that gives them information on outages. She also said the "board" still said 1½ hours, but that it had not been updated. She was unable to get me any more information. I left my Windows Media Center PC recording until 3AM (in hopes of catching SciFi Channel's Friday lineup that repeats at 11PM). The system was NOT back on by 3AM. It returned sometime between 3AM and 7AM Saturday morning; however, many of the HD channels remained offline. Calling back Saturday AM I was told it was to be back on in "1 hour." It was, in fact, late the Saturday evening before all the HD channels returned. We need to make sure that when outages occur that the call centers get updated information. If they provide an ETA of 1½ hours and can't meet that, they need to call back and revise the estimate. It's not that difficult and shows a respect for customers and their time.

Regarding high-speed Internet, I've had your 10Mb/sec for about a year. For the most part it's been fantastic service and I've sent others to Charter for the same service. It is, however, not reliable enough to drop my DSL connection. In fact, I asked one Charter rep after I got it if I could pay for two of these connections so there are no "fights" in the house over who gets the bandwidth at night. I never installed the second modem. More than a couple of times I've been very happy I kept my DSL connection. Of course, anytime cable is out the cable modem is off-line, but that doesn't have to be the only reason. A few weeks ago Charter "upgraded" its IP addresses and promptly broke most of the non-static IP cable modems in this area. I had 50-70% packet loss for days. In 2007 there's almost no excuse for packet loss and all of the packet loss was between your private network routers. Charter's customer service told me it was my problem. My firewall. My PC. Anything on my end to get me off the phone. I protested and was told they'd turn it into Network Operations but that it would be at least 24 hours until they even looked at it. You had an entire area down and yet we're told 24 hours? Until I contacted James Doster directly, nothing was. Mr. Doster was having major problems with his cable modem service at his house too so with my information he contacted those in a position to correct it. How is it that customer service didn't know about this? How is it your Internet engineers didn't test this to see if their upgrade was actually working? After all of this can you see why I might get upset?

It's important to note this is not the first time you've changed your Internet service and caused packet loss, routing problems, or just flat out broke Internet services. In 2002, after Windows XP shipped, Charter locally and on their own decided to block IP port 3389. This made using XP's Remote Desktop Feature much more difficult. Conversations with Tim Sunde, Lonie Elswick (Mr. Sunday's boss), Greg Wood, Michael Sokaloff, and Robin Forstrom got nothing resolved. They claimed they didn't want this type of service on your network but never stopped pcAnywhere or Citrix or any other remote control software. Remember that Paul Allen had a rather large investment riding on Windows XP's success and

I doubt seriously that he would have approved the blocking of one of XP's major features. A call to a reporter I know in at a computer trade magazine got her attention. She started making calls to Charter and other ISPs to find out if anyone else was blocking this port. The day before she prepared to go to press with the article describing it you opened the port.

On more than one occasion Charter has decided that ICMP packets (trace routes, pings, etc...), industry standard and defined packets used by diagnose problems should be blocked when originating from inside your network. The only reason to do this is to prevent knowledgeable customers from seeing problems on your network. If you wish to block ICMP packets originating on foreign networks (any network not part of Charter's is a foreign network) that's fine, but don't prevent us from seeing what's going on.

In January 2007, Charter also rigged DNS servers to provide inaccurate IP resolution for weather.com, among others, in an attempt to get customers to move DNS servers. The new DNS servers provided the same type of service VeriSign tried in 2003 by redirecting mistyped URLs to advertising/search servers. I'll be happy to provide links to many documents covering VeriSign's program. The new DNS system Charter put in place breaks private split-tunnel VPN functions so the ability to VPN to one's office and then use DNS to browse the office was broken until I totally bypassed Charter's DNS servers. VeriSign wasn't allowed to do this. Why did Charter? I have not tested Charter's DNS servers in many months to see if this is still active but will be happy to should you desire.

As for the HD signal, yes, I'm upset about this. It's a cumulative effect. I waited to go HD until Charter had the "right" lineup. In less than one year it had taken away 25% of the most important HD channels – local broadcast channels. It was more the manner in which it happened than anything else. On 3 January 2007, a Charter letter arrived (I'll be happy to provide you a copy of it) to its HD subscribers notifying us that on 4 January 2007 (you literally gave us one day's notice) our NBC HD channel, WCNC, would be discontinued because Charter felt that channels your customers can pick up over the air should be free. I have yet to find anyone in this area who has been able to pick this up over the air. So much for being free over the air. Boone, NC is too far from Charlotte, NC to pick up a HD signal with consumer grade equipment and the fact that there is a mountain peak between me and Charlotte which does nothing to help the situation. I have questioned Charter's statements for accuracy but no proof has been offered. If Charter can show me a way to pick up WCNC's HD signal in my home with consumer grade equipment I'll buy the equipment and you'll never hear from me on this topic again. Your people must believe this is possible for you stated so in your letter. After some investigation was unable to get any information from Charter customer service, so I asked the Director of Operations for North Carolina, Janet Cloyde, about this. One would expect that she would know what was going on with her systems. She stated on 4 January 2007 via e-mail:

"I have not been involved in this, but I sent your email to my boss, Anthony Pope, to ask for his help in answering your question. I will keep in touch with you on this."

Almost two months later, still with no follow up from Ms. Cloyde, I sent yet another e-mail about this to her. I received no response to that e-mail. Approximately 2 months later I left her a voice mail and got an e-mail reply saying she no longer managed the Hickory/Boone system. Sam Scialabba was the new operations manager for Hickory and has been very professional, specifically asking me to let him know of issues, but he's not privy to any more information than Ms. Cloyde was.

With no information forthcoming from Charter, I contacted Belo. Those calls garnered interesting information, including that they want "less than a dime" per HD subscriber for this service. My

information says there are perhaps 6,000 HD subscribers in this area. That's \$600/month. If they have provided inaccurate or incomplete information Charter should let its customers know. I know I'm not the only Charter customer to talk to Belo and I've heard others talk about the dreaded "dime" in the area.

In addition, I had a conversation with Heather Dixon, Special Counsel to the Media Bureau at the FCC, who informs me that if Charter has the ability to carry another NBC station, in this case WCYB (we have both WCNC and WCYB on the analog Boone system), Charter may also carry their HD signal, should it so desire and so long as that station does not object. I spoke with the GM at WCYB who told me that Charter is welcome to carry their HD signal for the Boone market. I have made this information available to Charter but it appears to have been ignored.

Most recently, on or about 8 July 2007, our HD signal became unwatchable. Calls to customer service garnered no help. They told me they had no information about any problems. Calls to Mr. Scialabba got my cable boxes reset (which I'd already done by power cycling them and which according to several engineers at Charter I know rarely fixes anything like this). As this didn't fix anything, they then sent out two different reps who finally diagnosed the problem as affecting our ENTIRE neighborhood, every single house with HD had no acceptable HD for days. Why was I the only one to report it? Your call centers have created an atmosphere of apathy among your customers. Your customers have learned that reporting problems to your call centers doesn't get things fixed. Your call centers appear to have a threshold they must pass before they turn in trouble tickets to your local offices and apparently that number is quite high. The day when you had the overheating problem that the ENTIRE eastern side of the county was without cable you still didn't have enough complaints to garner a weekend call to the local center! I would respectfully suggest that each call unresolved by the call center should be sent to the local facility without regard to the volume of calls.

Beyond the HD and other customer service concerns, twice in the past few months Charter's automatic billing system has just "forgotten" my credit card information. I have had Charter automatically charge my credit card for years, starting back in the 1990's when we had to go into the local Charter office and sign a release to do it (Charter didn't even have a functioning customer service web site that at that time). When you've lost my credit card you sent me notices saying my account is "delinquent" and may be subject to termination for non-payment. The funny thing is on each occasion I have an e-mail from the previous month showing the automatic payment AND an e-mail showing that the next month's bill is set to be automatic. Your customer service reps have been unable to figure this out. I know what my bill is and don't generally bother to look at your automatic notices, but for some reason I did this time. I'm glad I did as I was originally expecting to be out of town when it was due and could have faced a service disconnect because you lost my credit card. I want you paid in full every single month. I don't like owing money. It's why I have you charge my credit card so no check gets lost in the mail. Late or lost bills won't matter. My account is just paid and paid in full each and every month. Are all of your customers that eager to pay their bill? Each month my phone bill is automatically charged to my credit card as are my electric service, my family's three cell phones, propane gas, and Vonage bills. My iTunes account automatically bills to my credit card. Pretty much everything I do is paid this way and Charter is the only company who has ever "lost" my credit card number. How do we determine how this is happening and put provisions in place to prevent this in the future?

Mr. King, I've been a cable customer in Boone for almost 20 years. You absolutely have some very professional and capable employees based in Hickory, NC and Boone, NC running and taking care of your local customers; however, the upper management at Charter in St Louis appears to regularly hamper their ability to provide the programming, services, and quality to our ever rising bills deserve. I am very concerned about Charter's inability to work with Belo on WCNC, especially when the February

2009 digital change over comes around. If Charter cannot agree with Belo in 2007 what is it going to do in 2009 when all your local channels go to HD only and “demand” payment for their premium services? Do we have any assurances from Charter that in February 2009 we will not all of the sudden find ourselves without local channels?

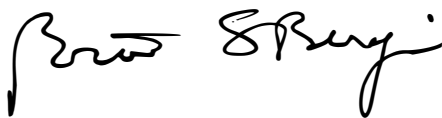
Mr. King, I have no desire to leave Charter. I have no desire to install a satellite dish. When your services work they are second to none. Your local people are highly professional and strive to see that your service is as good as it can be. I cannot imagine why a company with US\$19 billion in debt (I believe that number is accurate, please correct me if I am mistaken) with regularly declining TV subscribers would be so apparently eager to drop channels over a “dime”. Charter sent us a letter in January telling us that our NBC HD was being terminated. How about a courtesy letter keeping us informed? How about a survey of your HD customers asking if we would be willing to pay the additional “dime” every month? Again, Communications is the biggest part of your company’s name. Is it too much to ask for more communication? Customers in 2007 are well informed and disseminate information quickly and easily with the Internet today. We see mention of Charter dropping HD channels for many months in other areas of the country with the same ‘we’re not paying for this service’ statements to customers only to have the channel miraculously reappear. One can only hope that day comes to our area sooner than later. We’re at 7½ months and counting.

Keeping customers happy is the key to customer retention which I’m sure is important to your stockholders. I have absolutely no desire to be confrontational, but over almost a decade of issue after issue, I doubt even you would be totally level headed with any company with the years of issues your customers in this area have been forced to deal with. I believe you have the right people in place in this area to move Charter forward. If we can keep some stability in local management and keep corporate Charter from micromanaging the system I believe all will work out in the end.

Mr. King, please let me know when you and I may speak about these issues and how we might go about resolving them to everyone’s satisfaction. You may reach me on my cell at REMOVED. The number you listed on your letter is not a phone number for me.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian S. Bergin". The signature is fluid and cursive, with a large initial "B" and "S".

Brian S. Bergin



Dear Charter HDTV™ Customer:

It is our goal to continually provide you with the best and latest entertainment, technology and value.

Belo Corp. is one of our high-definition (HD) signal providers who currently provides the **WCNC-TV** NBC feed in your area. Belo demanded that Charter Communications® begin paying them a fee for the station's HD signal, which is broadcast over public airwaves for free. Charter believes that making customers pay extra for local HD channels which are publicly broadcast for free is not serving the public's best interest.

Charter does not want to remove any HD channels from your lineup, but we have been instructed to do so by Belo Corp. as of January 4, 2007. For this reason, your HD programming lineup will be changing the following way:

- We will be temporarily unable to carry the **WCNC-TV** NBC HD channel in your area provided by Belo Corp.
- You can still enjoy **WCNC-TV** NBC programming on **Channel 6**

We are working to resolve this issue quickly to return WCNC-TV NBC to your HD lineup.

We apologize for any inconvenience this may cause. We are continually working to improve our advanced digital cable technologies like our Charter OnDemand™ menu of movies, shows and events that you can watch anytime.

Thank you for choosing Charter Communications as your HD provider.

Respectfully,

Brooke Sinclair

