



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of Advertising Practices

July 9, 2020

Via Electronic Mail (lbrett@bbbn.org)

Laura Brett, Esq.  
Vice President  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising by Charter Communications, Inc. for 5G Mobile Service

Dear Ms. Brett:

We have reviewed NAD's referral of Charter Communications, Inc., d/b/a Spectrum Mobile ("Charter"), regarding advertising claims for its mobile service. The referral arose out of an NAD Challenge that AT&T Services, Inc. ("AT&T") filed through NAD's Fast-Track SWIFT process in which it took issue with Charter's alleged unqualified "5G" mobile service claims. Charter objected to proceeding via the SWIFT process for these claims, and NAD denied Charter's request to proceed via NAD's standard track process. Charter subsequently declined to participate in the SWIFT process, and NAD referred this matter to us for review.

We have communicated with Charter's counsel and have confirmed that it has discontinued the advertising at issue. Accordingly, staff has determined not to take additional action at this time.

The staff's decision to forego a formal investigation at this time is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require. The FTC appreciates your referral and the opportunity to continue to assist in supporting NAD.

Very Truly Yours,

Carolyn L. Hann  
Chief of Staff for Advertising Practices

cc: Thomas P. Jirgal and David G. Mallen, Esq., Loeb & Loeb LLP