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VIA ELECTRONIC MAIL

Honorable Kathleen Burgess
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

**RE: Request for Reconsideration of RAO Determination No. 18-05
Case 15-M-0388**

Dear Secretary Burgess:

On May 18, 2018, in Determination 18-05, the Records Access Officer (“RAO”) denied exemption from disclosure under the Freedom of Information Law (“FOIL”) of certain confidential information filed by Charter Communications, Inc. (“Charter” or “the Company”) with the Department of Public Service (“DPS”). Via this letter, Charter is requesting reconsideration of portions of Determination 18-05 pursuant to Section 89(5)(c)(1) of the Public Officers Law (“POL”).

The confidential information at issue is found in four Charter filings: (i) November 7, 2017 Good Cause Shown Tracker Chart (the “Good Cause Shown Tracker Chart”); (ii) January 29, 2018 submission of 2017 PSC Video Complaint Data Report (the “Video Complaint Data Report”); (iii) August 16, 2016 Charter 90-Day Report and Implementation Plan (the “90-Day Report”); and (iv) Exhibits A and B to the January 8, 2018 Charter Build-Out Compliance Report (the “Build-Out Compliance Report Exhibits”).

As explained in detail below, in Determination 18-05, the RAO found that some of the confidential information included in the above mentioned documents is entitled to exemption from disclosure. Charter agrees with those portions of the Determination and is not requesting reconsideration of those portions.¹ Additionally, as set out below, Charter is not requesting reconsideration for each and every item that the RAO denied exemption from disclosure. The

¹ It should be also noted that some of the information included in the four Charter filings has become less sensitive due to the passage of time. Charter has discussed these instances in detail below and is not seeking reconsideration of Determination 18-05 specific to those portions of the documents. However, Charter reserves its right to continue to request confidential treatment for similar information that it has filed, or will file in the future, related to its Merger Order and Settlement Agreement compliance filings with the Commission.

items for which Charter seeks reconsideration are specifically identified below, which is also defined as the “Revised Confidential Information.”

The Revised Confidential Information should remain confidential because it contains non-public, competitively-sensitive information and trade secrets with respect to various types of Charter information and data. Disclosure of this information would provide an advantage to Charter’s video, voice and broadband competitors to the detriment of Charter, and would subject Charter to significant economic and competitive harm. Charter respectfully requests that the Commission reconsider specific portions of Determination 18-05 because the Revised Confidential Information has consistently been treated as competitively sensitive and considered as trade secret material under Section 87(2)(d) of the POL and generally under FOIL.²

Brief Background

On March 20, 2018, Ms. Suh Neubauer submitted a FOIL request to DPS Staff seeking Charter’s Good Cause Shown Tracker Chart, Video Complaint Data Report, 90-Day Report, and Exhibits to the Build-Out Compliance Report (collectively the “Confidential Reports”). These documents were each filed at various times with the RAO as documents that contain trade secret and confidential commercial information. At the time each document was filed, Charter identified the scope of its requests for confidentiality.

On April 25, 2018, Charter received a letter from the RAO informing that DPS would determine the status of the information contained in the Confidential Reports in accordance with POL § 89(5). The RAO also notified Charter that it could submit a Statement of Necessity to explain why the Confidential Reports should remain confidential.

On May 9, 2018 Charter submitted a Statement of Necessity to the RAO along with a supporting Declaration of Michael Chowaniec. Charter identified the portions of the documents at issue which are confidential and explained why they should remain confidential. In addition, Charter revised the scope of its request for confidentiality with respect to the 90-Day Report and provided a Revised 90-Day Report reflecting the revisions.³

On May 18, 2018, the RAO issued Determination 18-05, which found that certain portions of the Confidential Reports are entitled to exception from disclosure under FOIL as a trade secret and/or confidential commercial information. However, as to certain other portions of the Confidential Information, the RAO determined that those portions were not entitled to exception from disclosure. As noted earlier, Charter respectfully seeks reconsideration of the Determination with respect to its denial of exception to disclosure of the Revised Confidential Information.

² See Case 10-C-0202: *Proceeding on Motion of the Commission to Consider the Adequacy of Verizon New York Inc.’s Service Quality Improvement Plan*, see generally Verizon Service Quality Filings. Also see, Case 16-C-0122, *Proceeding on Motion of the Commission to Consider the Adequacy of Verizon New York Inc.’s Retail Service Quality Processes and Programs*.

³ See Case 15-M-0388, Charter Statement of Necessity and the Revised 90 Day Report (filed May 9, 2018).

Summary of Argument

The Revised Confidential Information at issue contains non-public, competitively-sensitive information and trade secrets with respect to various types of Charter information and data. Disclosure of this information would provide an advantage to Charter's video, voice and broadband competitors to the detriment of Charter, and would subject Charter to significant economic and competitive harm.

As mentioned above, Charter seeks reconsideration of only specific portions of the Determination. These portions are:

- Within the Video Complaint Data Report, the paragraph bulk redaction on page 2, which includes details of Charter's confidential and internal process for handling customer complaints.
- Within the 90-Day Report, certain portions of "Universal Access" and "Economic Development" Sections described below.
- Portions of Exhibit A to the Build-Out Compliance Report.

Below, Charter explains why these portions of the Confidential Reports should remain confidential and addresses specific arguments advanced by the RAO in the Determination. Furthermore, Charter notes that its Statement of Necessity and the supporting Declaration of Michael Chowaniec provide a full discussion explaining why the items at issue satisfy the trade secret and confidential commercial information tests, and Charter respectfully incorporates that discussion by reference.

DISCUSSION

i. Information Filed To Demonstrate Compliance with the Merger Order Does Not Lose Protection From Disclosure

At the outset, Charter notes that the RAO throughout the Determination repeatedly references⁴ the fact that some of the confidential information Charter seeks to protect was filed by Charter in order to demonstrate compliance with the Merger Order.⁵ Determination 18-05 appears to rely on this fact to support the denial of exception to disclosure of certain information. The Determination cites no authority for the proposition that confidential information filed to demonstrate compliance with an order loses its protection from disclosure or that it is a factor relevant to such a determination, and this is not a lawful basis on which to deny exemption from disclosure. It is axiomatic that most confidential information filed with a regulatory agency is done in compliance with statutes, regulations, or orders. Insofar as the Determination holds or suggests that materials filed for regulatory compliance purposes may lose any protections or confidentiality that they may be entitled to under FOIL, the RAO's decision is contrary to the statutory framework and its reasoning must be rejected by the Commission.

⁴ Determination 18-05, at pp. 11-13.

⁵ Case 15-M-0388 – *Joint Petition of Charter Communication Time Warner Cable for Approval of a Transfer Control of Subsidiaries and Franchises, Pro Forma Reorganization, and Certain Financing Arrangements*, Order Granting Joint Petition Subject to Conditions (Issued and Effective January 8, 2016) (the "Merger Order").

Predictable and even-handed application of FOIL's confidentiality rules is vital to the free exchange of information between regulators and those subject to regulation. It allows regulators to obtain the information they need to fulfill their public interest obligations while allowing companies engaged in competitive markets to provide information that is competitively sensitive without the concern that it will be made publicly available to their competitors. The fact that information is filed confidentially does not in any way hinder DPS access, or the agency's undertaking its regulatory functions, insofar as Staff has easy access to all confidential information in the Department's Document and Matter Management ("DMM") System that particular Staff working on an issue require. And there is no reason under either the statutory text of FOIL or its interpreting authorities that a regulated entity's confidential information would lose its protection from disclosure to the public merely because it is required to be filed with the Commission. Accordingly, Charter objects, across the board, to the RAO's use of this rationale as a basis for denying confidential treatment.

ii. The Good Cause Tracker Chart

Determination 18-05 denied exemption from disclosure with respect to certain materials designated as confidential within Charter's Good Cause Tracker Chart. Although Charter does not necessarily concur with this finding, it is not requesting reconsideration of the Determination with respect to information included in this document that the RAO did not agree should be kept confidential. Specifically, Determination 18-05 pertains only to the Good Cause Tracker Chart that Charter filed in November 2017, and as to which the passage of time and the aggregation of the data has rendered most of the information contained therein less sensitive.⁶ Therefore, Charter is not requesting reconsideration of the Determination with respect to the Good Cause Tracker Chart that Charter filed in November 2017. However, Charter expressly reserves its right to continue to request confidential treatment for similar information that it has filed, or will file in the future, related to the Good Cause criteria in its settlement agreement with the Commission.

As to the Good Cause data that Charter continues to track pursuant to the settlement agreement, this kind of data is granular and constitutes trade secrets. Moreover, although some of the information is shared with individual pole owners to facilitate pole processing, that fact does not detract from the confidential nature of the data, as Charter shares only information relating to each individual pole owner which is shared only with that specific owner, and not with other parties or with members of the public more generally. In addition, pole attachment agreements may also contain confidentiality restrictions to protect competitively sensitive information from being shared with those outside a utility's joint-use department. Charter shares the entire set of information only with DPS, and does so confidentially. Moreover, DPS Staff has itself recognized the confidential nature of the type of information in the Good Cause Shown Tracker, as evidenced by the fact that it is only discussed separately with DPS Staff at meetings in which pole owners do not participate. Accordingly, Charter reserves the right to maintain claims of confidentiality for information contained within other Good Cause Tracker Charts even though Charter does not seek reconsideration in this instance.

⁶ The RAO did uphold confidential treatment of the cost information contained in the Good Cause Tracker Chart. *See* Determination 18-05, at p.10. Charter does not appeal this portion of the Determination and continues to request confidential treatment.

iii. The Confidential Information in the PSC Video Complaint Data Report Is Exempt From Disclosure

Pursuant to the Commission's Order approving the merger of Charter with Time Warner Cable Inc., ("TWC"), Charter is required to file its video complaint data with the Secretary to the Commission within 30 days after the end of each calendar year. On January 29, 2018, Charter filed its video complaint data for the 2017 time period. Portions of the Video Complaint Data Report constitute a trade secret and are confidential commercial information related to Charter's operations on a detailed level, disclosure of which would provide an advantage to Charter's competitors to the detriment of Charter. Accordingly, such information should be exempt from disclosure.

Preliminarily, Charter does not appeal the RAO's determination regarding the total number of initial "QRS" complaints for 2016 and 2017 and the escalated "SRS" complaints for 2016 and 2017 (p. 1 and 2 of the Video Complaint Data Report). As noted by the RAO, this data is maintained by DPS and publicly available on its website.⁷

Next, Charter seeks reconsideration with regard to the paragraph bulk redaction on page 2 of the Video Complaint Data Report, which includes details of Charter's confidential and internal process for handling customer complaints. This information is a trade secret and is confidential commercial information because it provides valuable insight into Charter's internal processes. The RAO described the paragraph bulk redaction on page 2 of the Video Complaint Data Report as "a summary of Charter's internal process and staff support for handling customer complaints" and determined that such information is not a trade secret or confidential commercial information.⁸ The RAO's reasoning is based on a finding that the information is "a generic description of Charter's efforts to address customer complaints" and that "any member of the public with an escalated complaint would experience and be aware of the internal processing."⁹ The RAO further argues that Charter's competitors would not gain a competitive advantage if the information were disclosed because "enhanced customer service is a common goal of many regulated entities."¹⁰

The reasoning in the RAO's Determination is incorrect. First, the description of Charter's complaint handling procedures is not "generic", but rather includes specific and detailed information concerning Charter's internal procedures for handling complaints, including how Charter staffs (with specific corporate titles) and organizes its complaint handling operations. The confidentiality of information related to a company's internal processes and strategic business information, like the information at issue here, has consistently been upheld by the RAO and courts alike.¹¹

⁷ Determination 18-05, at p. 11. However, it should be noted that the data filed by Charter as part of its Merger Order Compliance has been independently analyzed by Charter to ensure that only video complaints are included in the published DPS numbers. These numbers have largely coincided with the published DPS data.

⁸ Determination 18-05, at p. 11.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See *Matter of Verizon N.Y., Inc. v. New York Pub. Serv. Commn.*, 23 N.Y.S.3d 446, 451 (3d Dep't 2016)

Second, contrary to the RAO's reasoning, members of the public who have experienced an escalated complaint are not necessarily privy to the full set of internal procedures involved in the handling of their complaint. Simply having a complaint handled using these procedures does not reveal how the procedures are organized and implemented. And the fact that individual customers might deduce processes applied to their individual and unique complaints does not translate to this process information being available to Charter's competitors.

Finally, the fact that competitors share a common goal of enhanced customer service is precisely why the information would be valuable to competitors. If the Confidential Information were disclosed, competitors could reconfigure and improve their own internal complaint handling processes based on Charter's procedures. The complaint handling process is kept confidential precisely because it has significant commercial value to Charter and its competitors.

Furthermore, as fully set out in the Charter's Statement of Necessity and the supporting declaration of Mr. Chowaniec, the redacted material satisfies the trade secret and confidential commercial information tests. With regard to the trade secret analysis, the complaint handling information is derived from Charter's internal policies and procedures and is used when developing strategies and allocating resources for resolving customer complaints as well as Charter's implementation of particular initiatives to improve service. It gives Charter an advantage over competitors because the information is not public, it provides Charter with an effective process for prioritizing and managing customer complaints and therefore enhancing its customer service operations, and Charter's competitors could use the information to improve their own internal processes regarding customer complaint handling procedures.

The information is closely guarded and only upper management, limited outside consultants and attorneys, and necessary Charter employees have access to it. Next, if the information were disclosed, it would reveal to competitors Charter's internal processes and procedures. Competitors could appropriate such information by using it in their business without being subjected to the costs of developing such procedures. Charter expended time, money and effort to develop and hone the processes at issue. Finally, the processes could not be developed independently by competitors without significant expense, and even then it is unlikely to be fully replicated in all respects. Accordingly, the customer complaint handling procedures are part of Charter's internal confidential processes and should remain a secret.

The complaint handling procedures also satisfy the confidential commercial information standard. The procedures are part of Charter's internal processes and have tangible value to Charter that would be diminished if disclosed. Therefore, the customer complaint handling procedures as described in the Video Complaint Data Report are part of Charter's confidential internal processes, disclosure of which could result in financial and competitive injury and set

(Verizon's cost information related to construction, installation and replacement of communication networks constitute trade secrets); *HMS Holdings Corp. v. Arendt*, 18 N.Y.S.3d 579, 2015 WL 4366681, at *8 (Sup. Ct. Albany Cnty. July 14, 2015) (internal audit report constitutes trade secrets); *DoubleClick, Inc. v. Henderson*, No. 116914/97, 1997 N.Y. Misc. LEXIS 577, at *4 (Sup. Ct. N.Y. Cnty. Nov. 7, 1997) (revenue projections, plans for future projects, pricing and product strategies, and databases containing information collected by a company concerning its clients constitute trade secrets); see also *Spinal Dimensions, Inc. v. Chepenuk*, 16 Misc. 3d 1121(A) (N.Y. Sup Ct., Albany Co., 2007) ("[S]trategic business information has, in some cases, been held to constitute trade secret"); see also Case 09-01904, *In the Matter of Cable Company Filings of Annual Financial Reports and Customer Service Reports*, Determination of the Records Access Officer 16-03 (August 30, 2016).

unfair and incorrect precedent regarding the confidentiality of a company's internal processes generally.

iv. The Confidential Information in The 90-Day Report Is Exempt From Disclosure

The 90-Day Report was compiled to meet Condition VI.1 of the Merger Order, which required Charter to provide an implementation plan and report to the Commission detailing the activities, expenditures, and schedules related to the conditions of the Merger Order, and to the extent necessary, verify that those activities, outcomes, and investments were occurring in a timely manner. The 90-Day Report¹² includes detailed confidential information regarding Charter's progress in meeting its commitment to add new broadband passings to unserved and underserved areas in New York. Furthermore, the 90-Day Report contains detailed confidential information regarding Charter's planned speed and network upgrades; funding and investment for future network expansions and service quality improvements; internal methods and procedures used to analyze Commission complaint rates; and detailed employment information related to customer facing jobs. The 90-Day Report, originally filed on August 16, 2016, and subject to change and further modification, was structured to guide Charter's future deployments, service quality improvements, and business plans. When submitting its Statement of Necessity, Charter provided a revised redacted 90-Day Report, limiting the scope of its requests for confidentiality.

The Confidential Information included in the 90-Day Report falls into four categories: (i) Infrastructure Investment; (ii) Universal Access; (iii) Customer Service; and (iv) Economic Development (Employee Retention). Charter only seeks reconsideration of portions of the Determination related to Universal Access and Economic Development (Employee Retention) Categories.

Universal Access.

The Confidential Information concerning Universal Access on pages 8 and 9 of the 90-Day Report includes specific actions being taken by Charter to meet its requirement to offer low-income broadband (later known as the Spectrum Internet Assist Program ("SIA")) pursuant to the Merger Order, including information on the eligibility process developed by Charter. The information also includes Charter's internal strategic planning with regards to outreach to specific community and stakeholder groups before the launch of the SIA Program. The information redacted on page 8 of the 90-Day Report provides a description of Charter's internal business process to determine eligibility requirements for the low-income broadband service which constitutes a trade secret and confidential business information under New York case law.

The RAO found that "information relating to customer eligibility in the low-income broadband program does not constitute trade secret or confidential commercial information" because the information is "generic" and relates to Charter's low-income broadband program,

¹² Charter notes that the FOIL request sought only the 90-Day Report itself and not the confidential exhibits attached thereto. This is confirmed by the RAO's Determination, describing the 90-Day Report as a "13-page Report from Charter". See Determination 18-5, p. 3. If the confidential exhibits to the 90-Day Report are requested, Charter reserves its right to submit a separate Statement of Necessity with respect to these materials, although many of the bases for maintaining the confidentiality of those exhibits overlap with Charter's May 9, 2018 Statement of Necessity and are supported by the Declaration of Mr. Chowanec.

which has already been rolled out.¹³ The RAO also notes that the information was filed in order to demonstrate compliance with the Order.¹⁴ The RAO's reasoning with respect to five (5) lines on Page 8 (Lines 6-10, starting with "Charter" on Line 6 through end of full sentence on Line 10) of the 90-Day Report is faulty and accordingly Charter seeks reconsideration of this portion of the 90-Day Report.

First, as set out above, the fact that the information is provided in compliance with the Merger Order does not make the information public or preclude exemption from disclosure. Second, although Charter's low-income broadband program may have been rolled out, Charter's internal processes and procedures used to verify customers eligible to participate in the program remain confidential. Disclosing such information would reveal Charter's strategic decision-making with regard to its internal processes in implementing certain types of programs. Such information is not publicly available and is valuable to competitors and its disclosure would result in substantial harm to Charter. It is not uncommon in the telecommunications industry for providers to administer programs with specific eligibility criteria, and the specific mechanisms that providers use to implement those programs, to ensure that eligible persons can enroll and non-eligible persons cannot, have commercial value in that they allow providers more effectively and efficiently to target such programs while minimizing avoidable costs arising from administration or inaccuracy. Further, this type of information – regarding a company's internal processes and strategies – has been consistently protected as confidential.¹⁵

Economic Development (Employee Retention).

The Economic Development information on page 12 of the 90-Day Report includes Confidential Information regarding the number of customer facing jobs in New York State, which has always been kept confidential throughout the merger process and its aftermath and is the type of strategic business information generally protected as a trade secret.¹⁶ The RAO found that this figure does not constitute trade secret or confidential commercial information because Charter did not demonstrate how the information would cause substantial competitive injury if disclosed.¹⁷ The RAO went on to note that the information is related to an aspect of Charter's compliance with the Order and serves as the baseline data for Charter's compliance with its obligation not to cause a net loss in customer facing jobs in New York State.¹⁸

¹³ See Determination 18-05, at p. 12. The RAO also found that the portion of the 90-Day Report naming certain community groups included in Charter's outreach effort (p.9 of the 90-Day Report) is not trade secret or confidential commercial information. *Id.* Charter is not requesting reconsideration of this specific determination.

¹⁴ *Id.*

¹⁵ See *supra* footnote 11.

¹⁶ See *HMS Holdings Corp. v. Arendt*, 18 N.Y.S.3d 579, 2015 LEXIS 2455 at *21 (noting that trade secrets could include company's proprietary methods and business strategies and tactics); *DoubleClick, Inc. v. Henderson*, No. 116914/97, 1997 N.Y. Misc. LEXIS 577, at *4 (Sup. Ct. N.Y. Cnty. Nov. 7, 1997) (revenue projections, plans for future projects, pricing and product strategies constitute trade secrets); see also *Spinal Dimensions, Inc. v. Chepenuk*, 16 Misc. 3d 1121(A) (N.Y. Sup Ct., Albany Co., 2007) (noting that "strategic business information" such as a company's "strategic plan" and "annual operating plan" can constitute trade secrets).

¹⁷ Determination 18-05, at p. 13.

¹⁸ *Id.*

In fact, the information regarding the number of customer facing jobs is highly confidential and disclosure of that figure would shed light on Charter's internal employee hiring numbers, employee needs, and business strategies. The potential competitive harms to a service provider from publicly revealing its precise employee-facing headcount are obvious. For instance, it would give competitors a window into how many employees Charter needs to carry out specific business functions, allow competitors to approximate Charter's labor costs, provide insight into how efficiently and effectively Charter is allocating tasks among its workforce, as well as give competing providers an ability to estimate Charter's existing workforce's capacity to expand to meet additional competitive challenges in specific areas. As noted above, the fact that Charter has filed this number in compliance with the Merger Order is not relevant and does not affect the confidential nature of the information. The figure has always been kept strictly confidential and disclosure of the information would cause competitive damage to Charter as it would reveal sensitive information to its competitors.

v. The Confidential Information in The Build Out Compliance Report Exhibits Is Exempt From Disclosure

Charter's Build-Out Compliance Report and Exhibits were filed with the Secretary on January 8, 2018. The data presented in Exhibits A and B presents information related to specific addresses of customers to which Charter has expanded its network, but to which Charter may or may not have begun marketing to. Preliminarily, the RAO determined that the data presented in Exhibit B is trade secret and entitled to exemption from disclosure.¹⁹ Accordingly, no discussion of Exhibit B is needed as Charter agrees with the Determination in that regard.

However, the RAO incorrectly determined that the Confidential Information in Exhibit A is not a trade secret and is not confidential commercial information. Charter appeals that portion of the RAO's decision related to the double asterisked (**) data provided at the end of the Exhibit ("Plan Data"). The Plan Data provides recent, and still current, changes to its Plan, including specific areas in which Charter has scaled back former plans to expand its plant in specific counties within the State. While the fact that Charter is expanding its network is known, Charter's internal strategies and decisions on where it will accelerate or avoid expansion is not. The Plan Data in Exhibit A sheds light on this decision-making process. This type of information has been previously found exempt from disclosure under FOIL generally²⁰, and specifically in this proceeding.²¹

As detailed in Charter's Statement of Necessity, Charter operates in a highly competitive market. If Exhibit A is not treated confidentially, these competitors will receive valuable insight into Charter's basis for strategic decision-making involving future investments, facilities construction, and marketing plans.

Specifically, the Plan Data in Exhibit A would provide competitors with important clues

¹⁹ Determination 18-05, at p. 14.

²⁰ See *supra*, footnote 11.

²¹ Case 15-M-0388, RAO Determination 16-02 (May 4, 2016) (finding that Charter's broadband information showing unserved and underserved areas (i.e. deployment data) was protected as trade secret and confidential commercial information) *aff'd* by Secretary's Determination of Appeal of Trade Secret Determination (July 7, 2016).

on where Charter plans to expand its network, as well as where Charter has scaled back or deferred planned network expansions. Such information is of immense value to competitors even if it pertains to geographic regions rather than to specific areas, which is why (in the analogous federal context) specific, current FCC broadband deployment data filed as part of the Form 477 process is maintained in confidence. A competitor who may not have planned to build those areas for several years may try to take advantage of this valuable information by moving up their own deployment plans, or may defer their own expansion plans if they deduce that Charter has scaled back its own plans in specific counties. This will, in the long run, be at odds with competition in New York and will be directly in conflict with the Commission's vision for a healthy competitive communications environment.

The Commission has recognized the importance of the confidentiality of the Plan Data in recent RAO decisions.²² It also recognized this importance when it carefully carved out a balanced approach to notifying individual customers and municipal officials of the contours of the Plan while protecting disclosure of the Plan from Charter's competitors.²³ Accordingly, the Plan Data is a trade secret and is confidential commercial information which must be exempt from disclosure.

Conclusion

As stated herein and as established in Charter's Statement of Necessity and the Declarations of Mr. Chowanec, the Revised Confidential Information that Charter seeks to protect meets both the trade secret test and the test for confidential commercial information. Therefore, Charter respectfully requests reconsideration and reversal of portions of the RAO's Determination and that the Commission grant exemption from disclosure of the Revised Confidential Information.

Very truly yours,

Maureen O. Helmer

/s/ Maureen O. Helmer

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²² See *supra*, footnote 21.

²³ Case 15-M-0388, Settlement Agreement dated June 19, 2017, later approved by the Commission in the Order Adopting Revised Build-Out Targets and Additional Terms of a Settlement Agreement (Issued and Effective September 14, 2017).