

Maureen O. Helmer
Partner

March 30, 2018

VIA ELECTRONIC MAIL

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Joint Petition of Charter Communications, Inc. and Time Warner Cable Inc. for Approval of a Transfer of Control of Subsidiaries and Franchises; for Approval of a Pro Forma Reorganization; and for Approval of Certain Financing Arrangements.

Case: 15-M-0388

Proceeding to Investigate Whether Charter Communications, Inc. and its Subsidiaries Providing Service Under the Trade Name "Spectrum" Have Materially Breached Their New York City Franchises

Case: 18-M-0178

RE: Charter's Extension Request to Respond to the Orders to Show Cause

Dear Secretary Burgess:

On March 19, 2018, in Case 15-M-0388, the Commission issued a One-Commissioner Order to Show Cause (the "Passings Order") which requires Charter Communications, Inc. ("Charter") to provide evidence as to why the Commission should not: (1) disqualify 14,522 passings from Charter's December 16, 2017 Buildout target filed on January 8, 2018; (2) remove 6,612 "Negative Space" addresses from Charter's current 145,000 buildout plan and preclude their future use; (3) remove 5,323 not-yet-completed addresses in the buildout plan; and (4) draw down on the letter of credit for the respective forfeiture amount. The Passings Order states that if Charter fails to respond within 21 days (by Monday, April 9, 2018), the Commission will draw upon the posted letter of credit in the amount of the respective forfeiture (*i.e.*, \$1,000,000). On the same date, in Case 18-M-0178, the Commission also issued a One-Commissioner Order to Show Cause (the "NYC Franchise Order") requiring Charter to provide evidence as to its compliance with certain requirements under its franchise agreements with New York City.

From the time Charter received the orders, the Company has been diligently working on responses to the Passings Order and the NYC Franchise Order. However, in order to investigate the sheer volume of information, the Company needs to know which specific addresses the two orders are referring to. Within the last couple of days, Charter put together a list of items the

Company needs from DPS Staff to meaningfully respond to Chair Rhodes' requests. On March 30, 2018, as Charter was finalizing this list to provide to DPS Staff, the Company received a letter from Ms. Debra Labelle providing a list of addresses that fall into several categories in both orders. Charter greatly appreciates DPS Staff providing this information.

Charter will need to investigate each address and assemble information regarding the basis for its continued inclusion in Charter's completed or planned passings.¹ In order to have a meaningful opportunity to show cause as to why each address is reportable for purposes of the Passings Order, and to demonstrate Charter's deployment of its network in New York City, Charter respectfully seeks 45 days from today, until **May 14, 2018** to respond to the Passings Order and the NYC Franchise Order. The Company believes that the sheer volume of the data required to be analyzed, accompanied with the overwhelming number of requests included in both orders, justifies a 45 day response time for the Company to thoroughly analyze this information.

Lastly, while Ms. LaBelle's letter today shed light on many of the addresses Charter was trying to identify, the Company still requires some additional information identifying the specific passings that are referenced in the NYC Franchise Order. Specifically, on page 13 of the NYC Franchise Order, Chair Rhodes refers to a DPS Staff audit of numerous New York City addresses. Regarding those addresses:

- i. The NYC Franchise Order states that DPS Staff recommended **462** addresses for disqualification in the Passings Order because they were either served by pre-existing Charter network, 100 Mbps service from another provider, or a combination of both. Charter requests a complete list of these addresses.
- ii. The NYC Franchise Order states that DPS Staff identified at least **two** multi-dwelling units in New York City, one with 16 units, one with 198, that "according to Field inspection notes should have already been served by the company." Please identify these two addresses.

In sum, by this letter, Charter seeks 45 days from today to respond to the Passings Order and the NYC Franchise Order. In addition, Charter seeks two additional address lists from DPS Staff. If you have any questions with regards to this filing, please do not hesitate to contact the undersigned. We appreciate Your Honor's attention to this important matter and look forward to working with DPS Staff.

Very truly yours,

/s/ Maureen O. Helmer

Maureen O. Helmer
Counsel for Charter Communications, Inc.

cc: Debra LaBelle

¹ Please note that a very preliminary review of the data received today indicates that most of the addresses are not the ones that have been previously analyzed by Charter in prior audit groups.