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Partner

October 9, 2018

VIA ELECTRONIC MAIL

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

Re: Charter's Request for Extension of Time to file Applications for Rehearing and Extension of the Deadline in Ordering Clause No. 4 of the July 27, 2018 Order

Dear Chair Rhodes and Commissioners of the Public Service Commission:

On July 27, 2018, the Commission issued an Order Confirming Missed June 2018 Compliance Obligation and Denying Good Cause Justification (the "*July Compliance Order*")¹ and an Order Denying Petitions for Rehearing and Reconsideration and Revoking Approval (the "*Revocation Order*")² (collectively, the "July Orders").

Among other requirements, the *Revocation Order* directs Charter to "file a plan with the Secretary to the Commission within 60 days of the issuance of this Order, consistent with the discussion in this Order,"³ to operate as a notification pursuant to Publ. Serv. L. 226(a) to discontinue services in New York six months following the submission of the plan (the "Six-Month Exit Plan").

The *Revocation Order* indicates that the deadlines therein may be extended "[i]n the Secretary's sole discretion" upon a written request including a justification for the extension.⁴ In

¹ Case 15-M-0388, Order Confirming Missed June 2018 Compliance Obligation and Denying Good Cause Justification (July 27, 2018).

² Case 15-M-0388, Order Denying Petitions for Rehearing and Reconsideration and Revoking Approval (July 27, 2018).

³ *Revocation Order* at 29.

⁴ *Id.* This request for an extension (and restatement of the *Revocation Order*'s requirements) is not intended as an
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addition, pursuant to Pub. Serv. L. § 22, any applications for rehearing of the *July Compliance Order* or of the *Revocation Order* were initially due within thirty days of the orders, *i.e.* by Monday, August 27, 2018, “unless the Commission for good cause shown shall direct.”⁵

On August 20, 2018, Secretary Burgess granted Charter’s request to extend from September 25, 2018 to October 9, 2018 the requirement to submit a Six-Month Exit Plan, and on August 22, 2018, the Commission acted pursuant to Pub. Serv. L. § 22 to extend Charter’s deadline to seek rehearing of both July Orders until September 10, 2018. On September 10, 2018, the Commission (via an order from Chair Rhodes, which the Commission adopted via confirming order on September 12, 2018) further extended the deadline for Charter to file applications for rehearing of the July Orders to October 10, 2018, and further extended the deadline for Charter to submit a Six-Month Exit Plan to November 8, 2018.

Charter respectfully requests that the Commission further extend, by an additional sixty days, both the deadline to seek rehearing of the July Orders and the deadline to submit a Six-Month Exit Plan. The effect of these further extensions, if granted by the Commission, would cause Charter’s applications for rehearing of the July Orders to be due by Monday, December 10, 2018, and the Six-Month exit plan to be due on Monday, January 7, 2019. The effect of extending this latter deadline would be to cause the Six-Month Exit Plan to provide notice of a discontinuation of Charter’s New York operations in legacy Time Warner Cable areas after Monday, July 8, 2019.

Good cause exists to further extend the deadlines for rehearing and the Six-Month Exit Plan. Charter and the Department have continued to engage in productive dialogue regarding the July Orders and the related special proceeding initiated by the Commission in the Supreme Court pursuant to the *July Compliance Order*. As part of that dialogue, Charter has been providing additional information regarding broadband deployment efforts in New York for the Department’s and the Commission’s review. A further extension would allow additional time for discussions between Charter and the Department before the initiation by Charter of additional Commission or court proceedings. Additional proceedings before the Commission and/or the courts would have the potential to divert the resources of both Charter and the Department from discussions regarding the July Orders, and could have the effect of making it more difficult to resolve the issues raised by the July Orders without litigation.⁶

If you have any questions with regards to this request, please do not hesitate to contact the undersigned. We appreciate Your Honors’ attention to this matter.

agreement by Charter that Publ. Serv. L. 226(a) in fact provides the governing legal framework.

⁵ Pub. Serv. L. § 22.

⁶ This request for an extension of these deadlines is without prejudice to Charter’s ability to seek relief, either from the Commission or otherwise, from the *Revocation Order* and the *July Compliance Order*.

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Very truly yours,

/s/ Maureen O. Helmer

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