

July 27, 2018

Ms. Kathleen Burgess
Secretary to the Commission
Office of Consumer Services
New York State Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

Re: Town of Niskayuna, NY – Cable Franchise Fee Agreement

This is the response of Time Warner Cable Northeast LLC (l/k/a Charter Communications) to the complaint submitted by Troy & Banks Consultants LLC (also identified as Troy & Banks, Inc.) on behalf of the Town of Niskayuna and forwarded to Charter by Lauriann Mullen in the Commission's Office of Telecommunications on July 13, 2018.

The complaint alleges that Charter's mistaken miscodings of addresses within the Town of Niskayuna, identified in a previous settled audit, were not properly corrected in the period January 1, 2015 through September 30, 2016 and that, as a result, Charter underpaid franchise fees to the Town in an amount estimated by Troy & Banks to be \$23,653.

In his letter of June 22, 2018 Mr. Thomas T. Ranallo of Troy & Banks reports that Charter has "maintained that the errors had been, in fact, corrected." Charter has so advised representatives of Troy & Banks on several occasions over a period of time and offered to allow them to examine then-current records which would indicate that the coding had been corrected. That offer remains open.

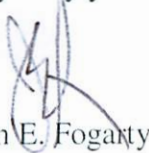
While Charter's records do not enable us to determine the precise date on which the miscodings were corrected, we believe that they were corrected in the late summer/early fall of 2014, prior to the January 1, 2015 through September 30, 2016 period for which Mr. Ranallo makes claim.

Our belief is based on two pieces of information. The first is the list of addresses taken from the company database of addresses prepared at the time of the initial audit, at the request of the auditor. Some of the information contained in this list of addresses was provided to Troy & Banks as part of the audit but some of the information was not. We have located this list of addresses taken from

the company database which includes proprietary information not supplied to Troy & Banks. Among that excluded information is an indication of whether there was an active cable subscriber at the address at that time. From that information, we have been able to determine that there were 57 then-current active cable service subscribers among the miscoded addresses. The other information is the per-month record of the number of cable subscribers in the Town of Niskayuna (information previously provided to the Town) which indicates that the overall number of cable subscribers in the Town increased by 10 in September 2014 and by 45 in October 2014. These were the largest monthly increases of subscribers in 2014 and the only months in addition to February and June in which the number of cable subscribers increased in the Town that year.

We believe that this information should establish that the miscoded addresses were corrected prior to January 1, 2015 and that Mr. Ranallo's claim, which is based on speculation only, is without merit.

Very truly yours,



John E. Fogarty

JEF/srh

cc: Kevin Egan
Lauriann Mullen - DPS