

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on August 22, 2018

COMMISSIONER PRESENT:

John B. Rhodes, Chair

CASE 15-M-0388 - Joint Petition of Charter Communications and Time Warner Cable for Approval of a Transfer of Control of Subsidiaries and Franchises, Pro Forma Reorganization, and Certain Financing Arrangements.

ORDER GRANTING EXTENSION

(Issued and Effective August 22, 2018)

INTRODUCTION AND BACKGROUND

On July 27, 2018, the Commission issued an Order Denying Petitions for Rehearing and Reconsideration and Revoking Approval and Order Confirming Missed June 2018 Compliance Obligation and Denying Good Cause Justification.¹ The Revocation Order revoked the Commission's approval of Charter Communications, Inc.'s (Charter or Company) acquisition of Time Warner Cable, Inc.'s New York assets and franchise and directed Charter to file, within 60 days, a plan to effect an orderly transition to one or more successor providers in areas previously served by Time Warner Cable, Inc. in New York. The

¹ Case 15-M-0388, Charter Communications and Time Warner Cable - Transfer of Control, Order Denying Petitions for Rehearing and Reconsideration and Revoking Approval (issued July 27, 2018) (Revocation Order)

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

Commission determined in the Compliance Order that Charter failed to satisfy the Settlement Agreement's June 18, 2018 target and that Charter had not made a sufficient Good Cause showing for this miss.

On August 17, 2018, Charter filed a letter requesting an extension of this 60-day deadline to file a plan with the Secretary,² and the 30-day period to file petitions for rehearing of both the Revocation Order and the Compliance Order pursuant to Public Service Law (PSL) §22.³

LEGAL AUTHORITY

Pursuant to PSL §22, "[a]fter an order has been made by the [C]ommission any corporation or person interested therein shall have the right to apply for a rehearing in respect to any matter determined therein, but any such application must be made within thirty days after the service of such order, unless the [C]ommission for good cause shown shall otherwise direct..." By this Order, the Commission finds that such good cause exists here.

DISCUSSION AND CONCLUSION

Charter states in its Request for Extension of Time that "granting a short extension would allow time for discussions between Charter and the Department before the initiation by Charter of additional Commission or court

² Case 15-M-0388, Request for Extension of Time (filed August 17, 2018).

³ An extension of the 60-day deadline from September 25, 2018 to October 9, 2018 was granted by the Secretary to the Commission pursuant to Order Clause 6 of the Revocation Order. See, Case 15-M-0388, Ruling on Extension Request (issued August 20, 2018).

proceedings.”⁴ The modest 14-day extension requested by Charter is sufficiently timely and reasonable under the circumstances, and Charter has demonstrated that good cause exists for such an extension. This extension will allow Charter and Department of Public Service Staff to discuss various outstanding process issues, including, but not limited to certain deadlines relating to the pending proceeding in Supreme Court, Albany County initiated by the Department at the direction of the Commission in the Revocation Order. The extension also corresponds with the extension of the 60-day deadline granted by the Secretary to the Commission, which will allow for discussions to occur regarding the contents of that plan. Given the specific circumstances presented here, which include the development of a plan for divestment and the ensuing orderly transfer of the Company assets in New York as integral aspects of the revocation of the Commission’s approval, this brief extension will allow for a more thorough record and process before the Commission.

Therefore, it is determined that Charter has demonstrated that good cause exists to extend the 30-day deadline for the filing of rehearing petitions pursuant to PSL §22 to September 10, 2018.

It is ordered:

1. The 30-day deadline for the filing of rehearing petitions pursuant to Public Service Law §22 in connection with the Commission’s July 27, 2018 Order Denying Petitions for Rehearing and Reconsideration and Revoking Approval and Order Confirming Missed June 2018 Compliance Obligation and Denying Good Cause Justification is extended to September 10, 2018.

⁴ Request for Extension of Time, p. 2.

2. This proceeding is continued.

(SIGNED)

Commissioner