



**Local Union No. 3**  
**International Brotherhood of Electrical Workers**  
**OF GREATER NEW YORK AND VICINITY**

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OF GREATER NEW YORK  
AFL-CIO  
AND ALL STATE AND  
CENTRAL BODIES

September 11, 2017



Hon. Commissioner Diane X. Burman  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

**Re: July 5, 2017 NYS Public Service Commission (“PSC” or “Commission”) Notice Seeking Comments (the “July 5 Notice”) vis the June 19, 2017 Settlement Agreement with regard to Charter Communications (“Charter”) Default of its Obligations (the “Charter Default Settlement”) under the Jan. 8, 2016 PSC Order Granting Joint Petition Subject to Conditions (the “2016 Conditional Order”) with respect to the Joint Petition of Charter and Time Warner Cable (“TWC”) for Approval of a Transfer of Control, etc., NYS PSC Case No. 15-M-0388**

Dear Commissioner Burman:

On behalf of all of the members of Local 3 of the International Brotherhood of Electrical Workers (“Local 3”), which represents more than 1700 employees of Charter Communications in New York City, we thank you for the opportunity to express personally Local 3's positions pursuant to the July 5 Notice. Local 3 maintains that 1) the Charter Default Settlement is woefully inadequate, 2) there is an absolute need for a rule-making with respect to the Charter Default Settlement, and, in fact, 3) there is a paramount need for a rule-making as to whether the 2016 Conditional Order should be rescinded in toto, and reissued, subject to more comprehensive conditions, including those with respect to the critical issue, recognized by the PSC in the 2016 Conditional Order, for the preservation and growth of quality jobs in New York State.

At the outset, with respect to the July 5 Notice, we especially commend to your attention the following comments of those very familiar with the electrical, cable, and telecommunications industries: Christopher Erikson, IBEW, L. 3 (Public Comment No.324); James Slevin, Utility Workers Union of America, L. 1-2 (PC No.373); Arthur Cheliotos, CWA, L. 1180 (PC No.371); Jeffrey Sondervan, IBEW, L. 36 (PC No.365); Russell Quarantello IBEW, L. 237 (PC No.353); Ernest Hartman, NY Association of Electrical Workers (PC No.345); Robert Holden, IBEW, L. 139 (PC No.344); Todd Bruer, IBEW, L. 241 (PC No. 331); Sam Fratto IBEW, L. 363 (PC No. 326); and Gary Bonker, IBEW, L. 10 (PC No. 327).<sup>1</sup>

Also, deserving of attention, with respect to the Charter Default Settlement and the 2016

<sup>1</sup> Also worthy of note are the following comments of those knowledgeable regarding jobs and the work environment in New York State: Joseph Colangelo, SEIU, L. 246, (PC No. 381); Patrick Dolan and Robert Egan, Enterprise Association of Steamfitters, L. 638 (PC No. 377); Mario Cilento NYS AFL-CIO (PC No. 374); George Miranda Pres., Teamsters, Joint Council No. 16 (PC No.367); Julie Kelly Gen. Mgr., NY NJ Regional Jt. Bd., Workers United (SEIU), (PC No.366); Sharon Persinger, Professional Staff Congress/CUNY (PC No.361); Julie Kushner, Dir., UAW Region 9A (PC No.362); James J. Claffey, Jr. Pres., IATSE, L. 1 (PC No. 364); Peter Ward, Hotel Trades Council (PC No.358); Paul Mannix, United Firefighter Officers Assn., (PC No. 356); Daniel Levler Pres., SCA of Municipal Employees. (PC No.352); Brian Sullivan, Pres., Nassau Co. Sheriff's COBA (PC No.348); Michael Mulgrew, Pres. UFT (PC No. 349); Dennis Quirk, Pres., NYS Court Officers Association (PC No.350); Stuart Appelbaum, Retail, Wholesale and Department Store Union (PC No. 336).

Conditional Order and possible adverse impacts on the City of New York, are the comments of the Hon. Donovan Richards on behalf of the Committees on Land Use & Zoning, and on Technology, of the New York City Council. (See, PC No. 276.) In addition, we commend to your review the comments of the Public Utilities Law Project of New York ("PULP") (Filed Comments No.180).

The confluence of recent developments raising questions about Charter's credibility and lack of good faith before the PSC supports a rule-making on the terms of the Charter Default Settlement including making the penalties on Charter far more onerous than even the increases recommended by PULP in its filed comments. Furthermore, this confluence of developments cries out for the Commission to revisit the granting of the 2016 Conditional Order with regard to the Charter/TWC merger.

The developments are: the New York State Attorney General's lawsuit against Charter for, in essence, intentional deceptive practices and consumer fraud; Charter's erroneously blaming its Local 3 employees for customer complaints over slow and spotty internet service, instead of accepting the now proven and admitted cause of those complaints - - Charter's old and inadequate equipment and systems that it has failed to upgrade and replace (despite representations to City and State officials that it would so upgrade and replace such equipment and systems); and Charter's failure to bargain in good faith with our union, which is one of the causes of the 5 month old strike, with respect to wages, job security, health benefits, and pension benefits.

The Charter Default is about the failure of the Company to live up to its representations and commitment to the Commission with respect to its roll-out of improved internet services throughout the TWC coverage area in New York State. In essence, Charter's default under the 2016 Conditional Order is either because it grossly underestimated its own capabilities to accomplish what it represented to the Commission it could accomplish, or, else, it knowingly misrepresented what it intended to accomplish with respect to rolling out better and upgraded services throughout New York State. Either way, there is now, before this Commission, a credibility issue about Charter, such that the 2016 Conditional Order needs to be revisited and perhaps seriously reconsidered. (Certainly, the Charter Default Settlement needs to be far tougher than it presently is, perhaps even, draconian in its terms and scope.)

Moreover, Attorney General Eric Schneiderman's lawsuit against Charter is all about the Company's engaging in deceptive practices and bad faith. In effect, the suit underscores that which the Commission has already publicly found with regard to the Charter Default. Thus, the 2016 Conditional Order, let alone the Charter Default Settlement, needs to undergo a significant public review and possible amendment, through a public rule-making, based on the mounting evidence that Charter has not proceeded with the PSC in good faith from 2015 to date. The aphorism, "fool me once, shame on you; fool me twice shame on me," applies to the Charter Default Settlement and the 2016 Conditional Order.

Furthermore, Charter's blaming its Local 3 employees for its own failure to have adequate systems and equipment to meet its representations to its customers in New York State just adds insult to injury with respect to the Charter Default and its failure to act in good faith with the Commission. It also sheds light on Charter's blaming of Verizon, and other utilities, with regard to pole access and attachments.

For 46 years, Local 3 maintained a good working relationship with TWC. During this period, there was labor peace and harmony between the union and the Company. This aided in TWC's beginning the process of adding internet access to its cable customer base. Local 3 believes that Charter came to its acquisition of the TWC New York system with an intent to reduce the number of its employees in New York State, to lower the wages

and benefits of those of its remaining workers in New York, and to change radically the job security of its future New York work force. Local 3 submits that there is a direct correlation between the Charter Default, the type of bad conduct alleged by the State Attorney General, and Charter's clear and present derogation of its New York State workforce, especially those in unions. Local 3 poses the question to you and all of your fellow Commissioners, how can the targets of the 2016 Conditional Order, or any settlement of the Charter Default, be met by a strategy antagonistic to the interests, well-being, and welfare of those expected to provide the labor necessary to expand and improve the internet network as required and expected by the PSC? It is submitted that it cannot.

In the 2016 Conditional Order, the Commission emphasized that it did not want nor approve of an underlying acquisition that would, necessarily, lead to a reduction in jobs in New York State, or to a radical lowering of the quality of such jobs. Local 3 submits that 18 months later that is exactly what Charter has evidenced to the Commission has occurred based on Charter's intentional strategy and conduct. Accordingly, even more than the Charter Default Settlement, the 2016 Conditional Order needs to be revisited for this reason, as well as those raised by the Attorney General's lawsuit.

Local 3 welcomes a further rule-making with respect to the Charter Default Settlement, but, as suggested by PULP, not limited to just the Charter Default Settlement. Local 3 urges that the present Charter Default Settlement agreement be rejected as insufficiently tough on Charter. Moreover, the evidence of Charter's lack of credibility and bad faith must be examined by the Commission. 16 months of questionable actions by Charter should suggest to the Commission that the 2016 Conditional Order be expressly revisited and radically altered.

We look forward to working with you and your fellow Commissioners on this important telecommunications matter and for improving the lot of all the people and workers in New York State.

Respectfully Submitted



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Business Manager

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