

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

Joint Petition of Altice N.V. and Cablevision)
Systems Corporation and Subsidiaries for)
Approval of a Holding Company Level Transfer) Case 15-M-0647
of Control of Cablevision Lightpath, Inc. and)
Cablevision Cable Entities, and for Certain)
Financing Arrangements)

**Response of Altice N.V. and Cablevision Systems Corporation,
Cablevision Lightpath, Inc. and the Cablevision Cable Entities
To New York Department of Public Service Staff
Second Set of Interrogatories and Document Requests**

Altice N.V. (“Altice”) and Cablevision Systems Corporation, Cablevision Lightpath, Inc. (“Lightpath”) and the Cablevision Cable Entities (collectively, “Cablevision”), by and through their undersigned counsel, respectfully provide the following responses to Department Staff’s Second Set of Interrogatories and Document Requests, dated December 17, 2015:

GENERAL OBJECTION

Certain of the interrogatories and document requests propounded by staff pertain to non-jurisdictional products, services and subjects. Altice and Cablevision respectfully object to all such interrogatories and document requests. However, notwithstanding such objection and in the spirit of cooperation, Altice and Cablevision provide responsive information relating to certain non-jurisdictional products and services, while respectfully reserving all rights relating to the inclusion of or reference to such non-jurisdictional information, which provision does not constitute a waiver of any rights or objections otherwise available to Altice and Cablevision in this or any other proceeding, and which may not be deemed an admission of relevancy, materiality or admissibility generally or with specific regard to the public interest standard under applicable law.

Additionally, Altice and Cablevision respectfully object to certain requests as being overly broad, unduly burdensome and prejudicial, and in excess of the scope of permissible discovery under applicable law and Public Service Commission Rules (including, *inter alia*, 16 NYCRR §5.8, which requires that discovery requests “be tailored to the particular proceeding and commensurate with the importance of the issues to which they relate” and prohibits unduly broad requests).

In accordance with applicable law, including without limitation 16 NYCRR §5.8, Altice and Cablevision preserve all objections relative to privilege and other protections from disclosure.

CONFIDENTIAL COMMERCIAL AND TRADE SECRET INFORMATION

Certain information included in this Response (inclusive of exhibits) represents highly confidential commercial and trade secret information. Such information, designated in the confidential version of the Response by highlighting/shading for specific information or page markings for entire pages, is being filed with the New York Public Service Commission solely on a confidential commercial and trade secret basis exempt from public or third-party disclosure, in accordance with the designation of, confidential commercial and trade secret status that accompanies this Response. Altice and Cablevision specifically reserve all rights relative to such confidential commercial and trade secret information, including the ability to further demonstrate the specific basis for treatment of designated information as exempt from disclosure under, *inter alia*, the New York Public Officer’s Law, the New York Code of Rules and Regulations, and applicable case law, should there be a request for disclosure or access.

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Staff of the Department of Public Service
Interrogatory/Document Request

Request No.: DPS-25
 Requested By: DPS Staff
 Date of Request: December 17, 2015
 Reply Date: December 28, 2015
 Subject: Follow-up – WiFi Service

Cablevision’s response to DPS-1 indicates that all tiers of broadband service, “include free access to Cablevision’s network of more than 1.3 million Optimum WiFi hotspots. In addition, Cablevision customers can access WiFi hotspots at no additional charge made available by members of the Cable WiFi consortium, which includes Comcast and Time Warner Cable in New York.”

Provide a breakout of the 1.3 million WiFi hotspots, to include specific numbers and categories/types of each, such as:

- *Outdoor public router locations*
- *Small, medium, large business router locations*
- *“Dual SSID” residential router locations*
- *Other router locations*

Provide a regional breakdown (NYC, Greater Hudson Valley, and Long Island) of WiFi hotspot connections, similarly as the company provided for broadband connections in DPS-1. Indicate typical range (distance) over which WiFi hotspots provide effective service for general public users. Provide an approximate number of additional WiFi hotspots that Cablevision customers can access in New York via membership in the Cable WiFi consortium.

RESPONSE: Just over [REDACTED] of Cablevision’s Optimum Wi-Fi access points are located in New York. The breakout of these Wi-Fi access points is as follows:

Cablevision WiFi HotSpots New York Regional Breakdown			
Region	Outdoor	SMB	Dual SSID
New York City	[REDACTED]	[REDACTED]	[REDACTED]
Greater Hudson Valley	[REDACTED]	[REDACTED]	[REDACTED]
Long Island	[REDACTED]	[REDACTED]	[REDACTED]

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Total _____ [REDACTED] [REDACTED] [REDACTED]

The typical range of an outdoor Optimum hotspot is 200-250 feet. This range varies depending on a number of environmental factors, including the height of the hotspot, the surrounding terrain and location of buildings and other nearby structures. The range of indoor hotspots will vary dependent largely on placement within the structure and surrounding environment (walls, floors, furniture or other obstructions).

The information requested concerning the number of Cable WiFi consortium hotspots available to Cablevision customers is confidential information belonging to the consortium members who operate the hotspots. Cablevision is requesting consent from those operators to provide this information and will supplement this response as soon as possible.

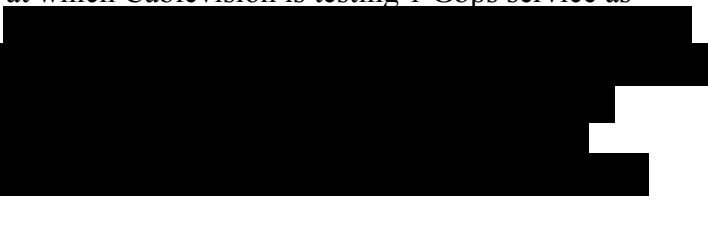
Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision **Date: December 28, 2015**

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Staff of the Department of Public Service
Interrogatory/Document Request

Request No.: DPS-26
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Follow-up – 1 Gbps Test Service

Cablevision's response to DPS-1 indicates that it recently began testing a 1 Gbps service through a bulk sale offering to a small number of multiple dwelling unit buildings on Long Island. Provide additional information on the municipal location(s) of the 1 Gbps service area, and describe in more detail the architecture (e.g., HFC, FTTP) of the network providing the service, upload/download speed combinations available over the test network. Indicate if any other advanced communications test areas are in progress or planned.

RESPONSE: The multiple dwelling units at which Cablevision is testing 1 Gbps service as described in the response to DPS-1 are in 

Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision Date: December 28, 2015

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Staff of the Department of Public Service
Interrogatory/Document Request

Request No.: DPS-27
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Follow-up – Unserved Areas

Cablevision's response to DPS-9 includes a list, Exhibit 9-B, that estimated unserved homes in certain franchise areas. Supplement this list to indicate what percentage of total homes in the franchise area (both served and unserved) these unserved homes represents, and the amount of outside plant estimated necessary to be constructed to serve the homes listed.

RESPONSE: On December 16, 2015, Cablevision provided a supplemental response to DPS-9 that estimated the unserved homes per franchise area based on the methodology described in that response. In preparing this estimate, Cablevision based the number of “unserved” homes on projections derived from 2014 United States Census Bureau data in any given Census Block where it does not currently provide service. The 2014 Census Bureau data is an extrapolation of projections based on the actual 2010 United States Census count, and therefore contains errors. For example, the projections assume household growth in designated open spaces, parks, and parking areas (where no actual growth occurred) and also overestimates the number of households due to other projected growth trends that did not bear out.

For the sake of consistency, Cablevision used Census Bureau estimates to approximate the number of unserved homes, even in cases where the Census Bureau estimates misstate the number of homes (e.g., Bronx and Brooklyn, where the estimates include areas of parkland, open space, or census blocks not entirely within Cablevision’s service area). As a result of these factors, Cablevision believes that the actual, physical unserved homes in our franchise areas, excluding the barrier islands and incompletely built Milan—see discussion below), to be substantially less indicated than by the amended response to DPS-9.

Even accounting for these overstatements of the number of unserved homes, Cablevision estimates that less than [REDACTED] of the households in Cablevision’s franchise communities are unserved, and that the majority of these unserved homes are in areas outside of Cablevision’s required service area. Nonetheless, based on the estimated housing units from the most recent 2014 census, the percent unserved by franchise area is reported as follows:

Franchise area	Percent Unserved
BRONX	[REDACTED]

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EAST FISHKILL
HYDE PARK
MILAN
NORTHEAST
PINE PLAINS
BROOKLYN
GREAT NECK
ESTATES
HEMPSTEAD
LAKE SUCCESS
LAWRENCE
GREENVILLE
HARRIMAN
MINISINK
WARWICK
WOODBURY
PUTNAM VALLEY
HAVERSTRAW
RAMAPO
STONY POINT
BABYLON
BROOKHAVEN
EAST HAMPTON
ISLIP
LLOYD



Cablevision is investigating whether it can provide information about the amount of additional plant that would be required to serve these unserved homes.

The exhibit data indicates that the top nine listed municipalities, in terms of raw numbers, represents over 90% of the total estimated unserved homes in all of the company's identified municipalities with unserved homes. Given the company's awareness of such a large percentage of unserved homes being located in relatively few franchise areas, provide supplemental information as to considerations for focused construction projects to pass the bulk of the identified unserved homes, which might then support the company's claim in response to DPS-17, that, "As a practical matter, Cablevision's network already basically spans its entire service region."

RESPONSE: As noted above, Cablevision already provided a supplemental response to DPS-9. It appears this request pertains to Cablevision's initial response. As indicated in the supplemental response, [REDACTED] of the unserved homes are in just five communities, the Town of

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Brookhaven, the Town of Islip, the Borough of Brooklyn, the Town of Milan, and the Bronx as follows:

Franchise area	Unserved Estimate	Percent of Unserved
BROOKHAVEN	[REDACTED]	[REDACTED]
ISLIP	[REDACTED]	[REDACTED]
BROOKLYN	[REDACTED]	[REDACTED]
MILAN	[REDACTED]	[REDACTED]
BRONX	[REDACTED]	[REDACTED]

[REDACTED], based on the methodology employed, it appears that the Brookhaven and Islip unserved homes figures represent homes on the barrier islands that are part of the respective townships but are not part of the required franchise area for Cablevision. [REDACTED]

With regard to the Bronx and Brooklyn, as discussed above Cablevision believes that the 2014 Census estimates tend to overstate the number of actual dwelling units in the Bronx and Brooklyn. Cablevision is aware of and has reported on a small number of unserved homes in Brooklyn in the historic Lefferts Gardens neighborhood, but access to these homes is limited by strict construction rules imposed by the City of New York Landmarks Commission. Moreover, these estimated figures are insignificant as a percentage of the total homes in those Boroughs, as they indicate [REDACTED].

Milan is a new franchise that is still pending construction.

Thus, as noted in response to DPS-17, as a practical matter Cablevision's network already basically spans its entire service region.

Respondent Name (witness or panel): Peter Thomas, Senior Vice President—Business Insights, Cablevision; Tim Mahoney, Senior Vice President—Business Planning, Cablevision **Date: December 28, 2015**

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Request No.: DPS-28
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Follow-up - Low Income Programs

Cablevision's response to DPS-10 did not indicate whether or not the company participates in the Connect2Compete program, although information on the FCC website, <https://www.fcc.gov/maps/connect-competite-home-broadband-coverage-map>, indicates that Cablevision is among various companies that participated in this program in the past. Provide current status of the company's participation in this program. If actively participating, include details of company milestones. If not currently active in the program, please indicate if the company has plans for future program participation.

RESPONSE: Cablevision is not active in the Connect2Compete program and does not currently have plans for program participation.

Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision Date: December 28, 2015

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Request No.: DPS-29
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Follow-up – Government Funded Broadband Expansion

Cablevision’s response to DPS-19 stated, “Cablevision has not participated in the broadband projects identified in this request, and has no current plans to do so.”

Given the company’s statements on page 10 of its public petition to the PSC that, “The proposed Transaction will enable the combined company to continue to increase broadband connectivity and WiFi service deployment, supporting the growth of over-the-top video services. As such, the proposed Transaction will enhance competition and spur pro-consumer innovation by enabling Cablevision to build on its position in the marketplace for wired and wireless broadband, video and voice services.”, and “For example, the Transaction will enable Altice to build on Cablevision’s network investment, consumer-focused products and services, and innovative approaches to video pricing and packaging. These benefits will positively reinforce the Commission’s long-standing efforts to promote competition and customer choice in the residential and business markets.”, explain why the company has not participated in any of the government funded broadband expansion projects, and has no current plans to do so.

RESPONSE: Cablevision has a limited number of unserved homes in its franchise areas, and has from time to time evaluated available funding sources to address these homes. In most cases, the nature of the program, the eligibility criteria, or the availability of resources did not appear to support the extension of service for the considered population. For example, as noted in response to DPS-27, Cablevision is aware of and has reported on a small number of unserved homes in Brooklyn in the historic Lefferts Gardens neighborhood, but access to these homes is limited by strict construction rules imposed by the City of New York Landmarks Commission. Similarly, the Brookhaven and Islip unserved homes figures represent homes on barrier islands that are part of the respective townships but are not part of the required franchise area for Cablevision where access to infrastructure to reach the island is limited.

Nonetheless, Cablevision is actively engaged with the regional councils, the State and other fund administrators in setting, evaluating and implementing funding guidelines to advance the State’s broader goal of extending service to unserved areas of the State without adversely impacting incentives for private investment.

Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision Date: December 28, 2015

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Request No.: DPS-30
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Follow-up – prices for modem/routers

Cablevision's response to DPS-7 indicates that Cablevision permits customers to use their own routers, but that use of a Cablevision-supplied router is included in the price for broadband service. This response also refers to the following webpage which lists the six modems that Cablevision makes available for purchase.

*https://optimum.custhelp.com/app/answers/detail/a_id/3832/kw/approved%20cable%20modems/
One of the six items on this list is a "Router\Modem".*

In addition, the rate cards provided in Exhibit 6A through 6MM of Cablevision's response to DPS-6 include the following footnotes

13 Modem lease fee applies for all new modems provided by Optimum.

14 Router is free for life of account when Optimum Online is maintained.

Please indicate which of these rate card footnotes apply to the "Router/Modem" on the list referred to in the response to DPS-7.

RESPONSE: Cablevision clarifies its response to DPS-7 in this response to DPS-30, and it will also submit an amended response to DPS-7 consistent with this clarification. The webpage referenced in Cablevision's response to DPS-7 lists modems that are supported on and compatible with Cablevision's network. Customers may purchase these pieces of equipment at a retail establishment. Cablevision does not directly offer these six modems for purchase, and will amend the response to DPS-7 clarifying this point. The footnotes to Cablevision's rate card referenced above do not, therefore, apply to these six modems.

Please list the make and model of Cablevision provided modems and routers, indicating for each whether the model is a modem, router, or combined router/modem. Also indicate if Cablevision has ever provided combined router/modems to customers which have had the router functionality disabled.

RESPONSE: The following is a list of modems and routers Cablevision currently distributes to customers, as well as modems Cablevision no longer distributes but which may still be used by customers.

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Routers

Netgear N600
Sagemcom 3965
DLink 1750
Sagemcom 5260

Modems

Arris TM822 **
Arris TM804 **
Arris TM1602 **
Arris TM1802 (for gigabit test service)
Motorola SBV6220 (for Small Business only)
Cisco DPQ3212 (for Small Business only)
Cisco DPQ-3925-Static IP Router/Modem (for Small Business only)
Motorola SB5100*
Motorola SB5101*
Motorola SB5101U*
Motorola SBG901*
Motorola SBV5120*
Motorola SBV5121XM*
Motorola SBV5222*
Motorola SBV5322*
WebSTAR DPC2100*
WebSTAR DPC2203*
WebSTAR DPC2203C*
WebSTAR DPX2200*

* These modems are legacy modems that may still be used, but are no longer provided to customers.

**These modems are also available for purchase directly from Arris, through Optimum.net

Cablevision does not make a combined router/modem available to residential customers, nor does it provide combined router/modems to customers which have had the router functionality disabled.

Please indicate whether customers who use their own routers are eligible to receive a discount for the price of Internet service, similar to the discount (or avoided rental fee) associated with a customer using a privately owned modem.

RESPONSE: Customers that use their own wireless router do not receive a discount for the price of their Internet service.

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Please indicate whether customers are able to keep any free routers provided by Cablevision after their service has been terminated.

RESPONSE: Customers that choose to take a Cablevision-supplied wireless router receive the router for free, but must return the router upon termination of their Optimum Online service.

Please discuss whether routers and modems offered for sale by manufacturers are increasingly being bundled together in the same piece of equipment.

RESPONSE: Cablevision does not offer and has never offered a combined router/modem, and does not have an opinion whether routers and modems offered by sale by manufacturers are increasingly bundled together in the same piece of equipment.

Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision Date: December 28, 2015

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Request No.: DPS-31
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Emergency Services Networking

Does the company provide 9-1-1 trunking or other emergency services networking to any public safety answering points (PSAPs) in New York State? If so, state when the company first began providing this type of competitive service. Provide specific PSAP facilities locations and services currently active. Include a description of network redundancy configurations designed to minimize emergency services outages when primary trunking or equipment failures occur. Provide a list of any PSAP/emergency services network failures that have occurred since the company began offering such service, and include a summary of failure cause and outage duration. Also provide a general description of company response activities with respect to communications with PSAP managers, the media, and with local, state and federal governmental agencies.

RESPONSE: Cablevision does not provide 9-1-1 trunking or other emergency services to any PSAPs in New York State.

Respondent Name (witness or panel): David Kniffin, Senior Vice President—Chief Administrative Officer, Lightpath Date: December 28, 2015

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Staff of the Department of Public Service
Interrogatory/Document Request

Request No.: DPS-32
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Line Extension Cost Estimates

For the years 2012 through 2015, provide one (1) line extension estimate per year, that the company has produced and provided to a requesting potential subscriber, in accordance with §895.5, “Requirements for construction of cable television plant and provision of cable television services”. Include all engineering and cost estimate work papers that resulted in each line extension cost estimate. Clearly identify all specific input values that were used in accordance with the contribution-in-aid-construction formula:

$$\frac{C}{LE} - \frac{CA}{P} = SC$$

Where:

C equals the cost of construction of new plant

CA equals the average cost of construction per mile in the primary service area

P equals the lower of 35 or the average number of dwelling units per linear mile of cable in areas described in subparagraphs (a)(1)(i) and (ii) of §895.5

LE equals the number of dwelling units requesting service in the line extension area

SC equals subscriber contribution-in-aid-of-construction in the line extension area

Include backing documentation detailing individual components of C (i.e., cable, hardware, devices; specify aerial or underground facilities); CA cost figure factors; and, any figures, including plant mileage and dwellings per mile, that were used to determine P value.

If the company has utilized an alternative formula to determine an estimated contribution-in-aid-of-construction charge, which formula being different than the formula set forth in §895.5, provide the comparative cost estimate using the Commission formula above to demonstrate that the company’s alternative formula does not result in a higher subscriber line extension contribution-in-aid-of-construction charge than would result from the use of the Commission formula, as specified in §895.5(b)(5)(ii).

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RESPONSE: As evidenced by the extent of Cablevision’s buildout, there are very few circumstances under which Cablevision has sought contributions-in-aid of construction from subscribers to construct a line extension. In most circumstances, Cablevision has built a line extension at no charge to the customer requesting service.

Cablevision provides one line extension estimate per year for 2012-2015, which the company has produced in response to this request. The analysis shows that Cablevision completed the line extension on terms more generous than required under the formula in § 895.5(b)(5)(ii) of the Commission’s rules.

The cost of construction (C) in each example below is based on the actual cost of construction to Cablevision. The average cost of construction per mile in the primary service area (CA) is based upon Cablevision’s statewide average cost of construction costs for aerial and underground plant, adjusted to reflect the actual percentage of such plant in the municipality listed in the example.

In 2012, Cablevision completed a line extension in Clinton Corners, New York. The actual construction cost to the company was [REDACTED]

	Construction Cost		
	Contribution		
C	<u>Cost of Construction</u>		
LE	<u># of Units</u>		
CA	<u>Avg Cost of Construction per mile in the primary service area</u>		
P	Dwelling Units		
	Avg Cost per dwelling Unit		
SC	Public Portion Subscriber Contribution Allowed		

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In 2013, Cablevision completed a line extension in Old Westbury, New York. The actual construction cost to the company was [REDACTED]

	Construction Cost		
	Contribution		
C	<u>Cost of Construction</u>		
LE	<u># of Units</u>		
CA	<u>Avg Cost of Construction per mile in the primary service area</u>		
P	Dwelling Units		
	Avg Cost per dwelling Unit		
SC	Public Portion Subscriber Contribution Allowed		

In 2014, Cablevision completed a line extension in Southold, New York. The actual construction cost to the company was [REDACTED]

	Construction Cost		
	Contribution		
C	<u>Cost of Construction</u>		
LE	<u># of Units</u>		
CA	<u>Avg Cost of Construction per mile</u>		

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	<u>in the primary service area</u>	
P	Dwelling Units	
	Avg Cost per dwelling Unit	
SC	Subscriber Contribution Allowed	

In 2015, Cablevision completed a line extension LaGrange, New York. The actual construction cost to the company was [REDACTED].

	Construction Cost	
	Contribution	
C	<u>Cost of Construction</u>	
LE	<u># of Units</u>	
CA	<u>Avg Cost of Construction per mile in the primary service area</u>	
P	Dwelling Units	
	Avg Cost per dwelling Unit	
SC	Subscriber Contribution Allowed	

Respondent Name (witness or panel): Tim Mahoney, Senior Vice President—Business Planning Date: December 28, 2015

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Request No.: DPS-33
Requested By: DPS Staff
Date of Request: December 17, 2015
Reply Date: December 28, 2015
Subject: Accessible Services

Does Cablevision currently offer any accessible services for the blind or visually impaired, such as accessible TV remotes? If so, provide details on such programs and services. If not, does the company have any plans to develop such accessibility for the blind or visually impaired served by its network following the transaction?

RESPONSE: Cablevision places a high priority on ensuring that its services are accessible to the blind and visually-impaired. It has retained the expert services of MyBlindSpot to help incorporate accessibility into the design, testing and rollout of services. Cablevision also has a variety of features to assist the blind and visually impaired in accessing and using the company's services. For example:

- **Cablevision service supports and passes through video description.** Cablevision requires content providers to certify compliance with the FCC's rules governing video description, and it passes through all video description it receives, and meets the FCC's requirements for provision of video described programming. Video described content is currently available on channels including ABC, NBC, CBS, Fox, USA, ESPN, TNT, TBS, History, Disney Channel, Fox News, Nickelodeon, A&E, and FX.
- **Cablevision offers a variety of billing formats.** Customers can have customer service representatives read their bill to them over the phone, can access their statements online and enlarge the view as necessary in both the HTML and online PDF versions of the billing statement, and can use either Microsoft or Adobe software to speak aloud either the HTML or PDF version of the bill.
- **Customer support materials are accessible.** Cablevision ensures that any "how to" or customer information available on its website to explain cable service features is accessible in a variety of ways. For example, the website is accessible to screen readers.
- **Customer service representatives are trained regarding Cablevision's accessibility features.** Cablevision makes sure that all customer care representatives

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are familiar with its accessibility features, and can address any issues, concerns or questions about how to use those features. In addition, Cablevision is committed to working with each of its subscribers to address individual needs and ensure the best experience with our products and services.

- **Optimum stores welcome service dogs.** Customer service representatives in Optimum store locations are trained to welcome service dogs and offer any needed assistance to persons with disabilities.
- **Cablevision voice service offers a “VIP Ringing” feature.** Voice subscribers can set special ringtones for specific numbers to identify individual callers.
- **Cablevision plans to have audible program guides in the near future.** In accordance with FCC rules, Cablevision is developing and plans to implement audible accessibility in its program guides by the end of 2016.

Respondent Name (witness or panel): Brad Feldman, Senior Vice President—Product Management, Cablevision; Lisa Gillingham, Senior Vice President—Customer Service, Cablevision **Date: December 28, 2015**