

Public Service Commission - Case No. 15-M-0388
September 21, 2015

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1
2 STATE OF NEW YORK
3 PUBLIC SERVICE COMMISSION

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5 CASE No. 15-M-0388: Joint Petition of Charter
6 Communications, Inc.,
7 Time Warner Cable Inc., for
8 Approval of a Transfer of
9 Control of Subsidiaries and
10 Franchises; for Approval of
11 a Pro Forma Reorganization;
12 and for Approval of Certain
13 Financing Arrangements.
14 -----x

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16 Public Statement Hearing
17 199 Chambers Street
18 New York, New York

19
20 September 21, 2015
21 3:50 p.m.

22
23 BEFORE:

24
25 BEN WILES, ESQ.
Administrative Law Judge

COMMISSIONER DIANE BURMAN

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2 ALJ WILES: I ask we come to
3 order. Ladies and gentlemen, I call Case
4 No. 15-M-0388, which is entitled Joint
5 Petition of Charter Communications, Inc.,
6 and Time Warner Cable Inc., for Approval of
7 a Transfer of Control of Subsidiaries and
8 Franchises; for Approval of a Pro Forma
9 Reorganization; and for Approval of Certain
10 Financing Arrangements.

11 Good afternoon. My name is
12 Ben Wiles. I am an Administrative Law
13 Judge with the New York State Department of
14 Public Service, and I will be conducting
15 this Public Statement Hearing.

16 Tonight we are fortunate -- this
17 afternoon we are fortunate to be joined by
18 one of the Commissioners for the Public
19 Service Commission, Diane Burman, and I
20 believe the Commissioner would make a short
21 statement.

22 COMMISSIONER BURMAN: Hello. My
23 name is Diane Burman. I'm one of the
24 Commissioners. I started on the Commission
25 in July of 2013. It's very important for

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1
2 me to come to these public statement
3 hearings and hear from you, the public, on
4 any concerns or issues or thoughts you have
5 on this proposed merger.

6 I'm here tonight or today in the
7 capacity of a listener. I'm going to bring
8 back what I hear to my fellow Commissioners
9 and the staff that weren't able to be here
10 and share with them, and I just wanted to
11 thank you and let you know how important it
12 is for me to hear from folks. So thanks.

13 ALJ WILES: Thank you.

14 On July 2nd, 2015, Charter
15 Communications and Time Warner Cable filed
16 their petition for approval by the Public
17 Service Commission of their proposed
18 merger. The purpose of this Public
19 Statement Hearing is to obtain comments
20 from the public on this proposed merger,
21 and this Public Statement Hearing is one of
22 several being conducted around the state
23 for this purpose.

24 I will note that in the July 22nd
25 Secretaries Notice concerning this case, it

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2 has been established that this is a "Notice
3 and Comment" case. This means that the
4 record on which the Commission will act is
5 made up of the written comments of
6 the -- made up the written petitions of
7 Charter and Time Warner, the written
8 comments by staff, and others filed a few
9 days ago, and the reply comments which will
10 be filed on September 30th. In addition to
11 the record, in a "Notice and Comment" case
12 we'll include the public comments we
13 receive at the Commission by regular mail,
14 or by e-mail, or through our toll free
15 opinion line. We will also include the
16 statements made at this Public Statement
17 Hearing.

18 Since this is a "Notice and Comment"
19 proceeding, the Public Statement Hearing
20 that we will conduct is not an evidentiary
21 or trial-type hearing. There is no
22 pre-filed written testimony presented, the
23 witnesses will not be sworn in, there will
24 be no cross-examination of witnesses.
25 However, it is the normal practice at the

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2 Public Service Commission for a transcript
3 to be taken of all of the statements made
4 at a Public Statement Hearing, and this
5 will be done here. We have a stenographer
6 present today to record the proceedings.
7 Please, if you provide comments speak
8 loudly and clearly so that your statements
9 will be recorded accurately, and please
10 introduce yourself as you begin your
11 comment.

12 I have a whole page of instructions
13 that we have too many people who want to
14 speak, but we don't have that problem
15 today.

16 In conducting the Public Statement
17 Hearing, I will call the speakers in the
18 order I have received the participation
19 cards. The only exception to this is one
20 we make for an appearance by elected
21 officials who will be permitted to provide
22 their statements at the beginning of the
23 hearing. I don't have any cards or
24 indication that there are any elected
25 officials here now so that won't apply.

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Written statements, if offered, will be received during this hearing. If you provide a written statement there is no need to read that statement into the record, and if timing is short, you will not be permitted to do so. You should also -- I'll note now for the record that we received, I guess it's a written statement, a statement in writing from an entity called ACDP, 3940 Broadway, another one from the Manhattan Neighborhood Network, and a third one from the Greater New York Chamber of Commerce, and a fourth one from the Brooklyn Chamber of Commerce. These will be entered in our case record as comments, public comments. Probably if you're looking for them, you will find them in the Department's TMN system probably on Wednesday or Thursday.

Generally I will try to call one speaker and to call the next speaker to come to the front of the room to be prepared to make their statement as soon as the first speaker has finished.

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2 I think we're ready to start. The
3 first speaker is Susan Lerner, and the
4 second person is, or the next person is
5 Varun Sanyal. Is he or she here? Come on
6 down. You can take a seat right here.

7 MS. LERNER: Good afternoon and
8 thank you very much, Administrative Law
9 Judge Wiles, and good afternoon,
10 Commissioner Burman. I'm glad to see you
11 here and always happy to see a member of
12 the Commission attending these hearings.

13 I'm Susan Lerner, L-E-R-N-E-R. I'm
14 the Executive Director of Common Cause
15 New York, and I'm speaking on behalf of
16 Common Cause New York, which is the New
17 York Chapter of Common Cause, as well as
18 Common Cause which is a national
19 organization with a presence in 36 states
20 and hundreds of thousands of members across
21 the country, and approximately 20,000
22 members here in New York spread throughout
23 New York State.

24 And as part of our media and
25 democracy project, we're very actively

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2 engaged with our members and members of the
3 public on issues relating to
4 telecommunications. And I am here to urge
5 the Commission to deny the merger petition,
6 as not in the public interest. We feel
7 that many of the issues which we raised in
8 relation to the Comcast Time Warner Cable,
9 now awarded merger are raised in the
10 Charter petition, similarly not answered,
11 and we have significant concerns.

12 We believe that there's almost
13 nothing, in fact, we're hard pressed to
14 find details within the petition that show
15 that this proposed merger would be
16 advantageous to New Yorkers. All of the
17 details are national in scope, there's
18 really virtually nothing that address any
19 situation that we have here in New York.
20 When you talk about job creation, bringing
21 jobs back from overseas, when you talk
22 about diversity goals, nothing specific to
23 show that this would benefit New York as
24 opposed to the national posture. But more
25 importantly what we see is a merger of one

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2 heavily leveraged large cable company
3 merging with an even larger cable company
4 which has a very poor record of public
5 service, and we note that the proposed
6 merger is going to be a tremendously
7 heavily leveraged endeavor.

8 When you look at the trade press,
9 what you find is that the explanation for
10 why it's okay for the merge to New Charter
11 to come out of this deal with a really
12 heavy debt burden of what looks to be bonds
13 that would be rated at the junk level, the
14 comments from the officers are that they'll
15 pay down the debt very quickly, and when
16 you look at the details of the merger you
17 can see that the business plan anticipates
18 upselling existing services at higher
19 prices to customers. We are hard pressed
20 to see how that's advantageous to
21 New Yorkers when the service that's
22 provided currently is less than adequate,
23 where we have huge gaps in service, what's
24 proposed by the merger really is not
25 addressing the problems which we see with

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2 telecommunication, with cable and Internet
3 provisions here in New York.

4 Filling in the higher density in
5 existing service areas for Time Warner does
6 not address the very real problems which
7 many, many New Yorkers face in having no
8 cable and Internet service or inadequate
9 Internet service. There's nothing in this
10 petition that addresses how the plan to
11 upsell and to fill in for enterprise
12 customers is going to help for instance,
13 the customer in Niverville, that doesn't
14 have any cable service, or how it's going
15 to help the poor neighborhoods in Syracuse
16 that do not have broadband access at all.
17 The petition is virtually silent.

18 The only thing the petition says is
19 that the merged entity will seek to expand
20 the Bright House low-income access program.
21 Well, frankly, we had problems with the
22 Comcast program which was very similar. If
23 anything, Bright House program is worse.
24 It has the same strict limitations, you can
25 only apply for it if you have a school aged

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2 child who qualifies for a free lunch, and
3 this is in contrast to the Time Warner
4 program, which we think still has its
5 problems but at least is better because
6 it's available to everybody, without these
7 unnecessary hurdles that you have to meet.
8 And an amazing thing about the Bright House
9 plan is that you can only apply for it
10 during the month of September, which as
11 somebody in the audience pointed out to me,
12 is the very busiest time for all school
13 families, and particularly low-income
14 families who will find that virtually
15 impossible.

16 So we note that the city which has
17 been identified as the city which has the
18 third worst connected percentage for
19 households with incomes under \$35,000,
20 which is Detroit, is a city in which Bright
21 House offers this program. Well, it
22 obviously has not been helping the
23 low-income residents of Detroit. We see no
24 reason why it's going to help the
25 low-income residents here in New York City

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2 or in New York State.

3 And I'd like to point out something
4 that was released today by the public by
5 the National Digital Inclusion Alliance.
6 It's a very interesting analysis of the
7 American Community Service Data from the
8 census where NDIA looks at the Internet
9 provision levels in different cities across
10 the country and they have identified the 25
11 worst connected cities. Of those 25, three
12 are in New York. The only state which has
13 a worse record is Texas; that has four. So
14 Rochester is 13, Buffalo is 17, Syracuse is
15 is 23rd. These are Time Warner cities and
16 we have nothing in this merger petition
17 which in any way really shows how this
18 tremendous gap in the provision of service
19 in New York is going to be at all addressed
20 by this merger.

21 And as I pointed out, you know, an
22 additional finding in the NDIA released
23 today is about the 10 -- the 25 worst
24 connected cities for households with
25 incomes under \$35,000. I pointed out that

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2 Detroit is number three. Buffalo is number
3 eight. We have a real problem here in
4 New York State and nothing in this merger
5 indicates that it's going to address that
6 problem and if anything, we believe it's
7 going to make it worse because of the
8 crushing debt service, the need to up-price
9 and to upsell and to increase prices to the
10 ordinary consumer. That's the only way in
11 which this plan could be financially
12 viable, according to financial analysts,
13 and we submit that is simply not in the
14 public interest. Thank you.

15 ALJ WILES: Thank you.

16 As I said, the next speaker is
17 Varun Sanyal. And after him the speaker
18 would be Anthony Riddle. Is Anthony here?

19 (Hand is raised.)

20 ALJ WILES: Why don't you begin.

21 MR. SANYAL: Good afternoon,
22 Commissioner Burman, other officials, and
23 guests. I'm Varun Sanyal and I'm Project
24 Manager for Economic Development at the
25 Brooklyn Chamber of Commerce. I'm

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2 delivering testimony on behalf of
3 Carlo A. Scissura, President and CEO of the
4 Brooklyn Chamber of Commerce.

5 The Brooklyn Chamber of Commerce is
6 a membership-based business assistance
7 organization which represents the interests
8 of over 2,100 member businesses as well as
9 other businesses across the borough of
10 Brooklyn. The Brooklyn Alliance is the
11 economic development not-for-profit
12 organization of the Chamber, which works to
13 address the needs of businesses through
14 direct business assistance programs.

15 We support the proposed merger of
16 Charter Communications and Time Warner
17 Cable because of beneficial service updates
18 included in the provision, such as the
19 commitment to provide high-speed Internet,
20 which will enhance the productivity and
21 quality of life for both business and
22 residents. The reality is that access to
23 high-speed Internet is no longer a luxury
24 for most businesses; it's a necessity. We
25 believe that New Charter would be well

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2 positioned to provide more local businesses
3 with this essential tool.

4 Further, New Charter has made
5 numerous assurances that demonstrate their
6 pledge to being a valuable part for
7 businesses of all sizes. For example, they
8 appear committed to net neutrality which
9 will ensure companies and workers can
10 access the Internet without hidden charges
11 slowdowns. They have also signaled their
12 commitment to fully digitizing the current
13 customers of Time Warner and Bright House,
14 and it is our understanding that New
15 Charter plans to continue the diversity and
16 inclusion programs started by Time Warner
17 Cable. This will ensure greater diversity
18 and opportunities in the cable industry.

19 New Charter would be a welcome
20 addition to the cable broadband industry in
21 New York, and we respectfully ask you to
22 please approve this merger. Thank you for
23 providing this opportunity to testify in
24 this case.

25 ALJ WILES: Thank you.

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2 The next speaker is Anthony Riddle,
3 and the speaker following him would be
4 Stewart Reid.

5 MR. RIDDLE: On behalf of BRIC, I'd
6 like to thank the Public Service Commission
7 for the opportunity to speak on this
8 proposed sale. BRIC is the leading
9 presenter of free cultural programs and
10 artistic programs in Brooklyn and one of
11 the largest in New York.

12 ALJ WILES: Is BRIC an acronym for a
13 title?

14 MR. RIDDLE: No, not any further.
15 It began as an acronym, but what we do is
16 we are a multi-disciplinary art center
17 which includes the largest -- one of the
18 largest free public performances which is
19 celebrate Brooklyn and Prospect Park. We
20 also have a contemporary art center and we
21 operate the community media center which
22 operates the public access facility for the
23 City of Brooklyn -- Borough of Brooklyn,
24 representing about four million people. We
25 feel like a city.

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We are here to talk about the public interest obligations and maintaining them under the current sale that's being proposed. The proposed \$78.7 billion purchase by Charter Communications of Bright House and Time Warner would create a company that controls nearly 34 percent of cable homes and nearly 30 percent of high-speed Internet service in the United States. In New York, Time Warner controls more than 50 percent of the state's households, including 60 percent of the homes in Manhattan, Queens, Brooklyn and Staten Island. We ask that the PSC take a conservative and careful approach in reviewing the effect that this proposed sale will have on public interest obligations.

Charter Communications has a documented history of weak or negligent support of public interest obligations. PEG operations throughout the country have had to struggle with Charter for bare minimum services such as channel guide

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2 listings, and even connection to the
3 head end for cablecast of programs, all of
4 which are spelled out in franchise
5 agreements, their requirement. I have
6 attached to my written comments a national
7 report on these -- on some of these
8 feelings, but I would like to mention a
9 couple of them as we go because I think
10 it's important to note how obligations are
11 being dealt with.

12 In Wisconsin and other places
13 there's been frequent channel relocations
14 of public educational and government access
15 channels. The public -- the PEG channels
16 rarely appear on Charter's electronic
17 program guide and Charter has begun
18 charging school districts for cable
19 services that are supposed to be free under
20 the existing franchises.

21 In California, Charter's peculiar
22 and singular interpretation of State Law
23 has, in their opinion, allowed them to
24 seize paying a public educational and
25 government access fees that are mandated

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2 under state franchises. They refused to
3 provide connection between PEG channels and
4 the head end. The same thing has happened
5 in Los Angeles County, where channels have
6 been fought for and won but can not afford
7 to make the connection to the Charter
8 head end.

9 And again, channels are not showing
10 up on the listings. I'm not going to go
11 through all of these, these can be read at
12 a later time, but the point that I'm trying
13 to make here is that we're not opposed to
14 any sale in which the Public Service
15 Commission takes the time and is very
16 diligent about making sure that the
17 existing obligations and the franchises are
18 being met. This should not be assumed.

19 In a closely related matter,
20 Cablevision, a company which provide cable
21 to homes in most of Brooklyn and all of the
22 Bronx, is selling to a Dutch-owned company,
23 Altice. This would make Altice the largest
24 foreign-owned telecommunications company in
25 the US. Significantly, Altice is

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2 documented as making profits through
3 drastic cuts in jobs, improvements,
4 maintenance and service. Altice also
5 announced intention to take a \$900 million
6 operating savings on 3.5 million customer
7 base.

8 The proposed Charter/Time Warner
9 sale taken together with Altice/Cablevision
10 represents about two million New York City
11 homes changing hands overnight. New York,
12 which is the world's media leader, a city
13 currently served by corporations
14 headquartered in Midtown Manhattan and Long
15 Island would suddenly answer to Connecticut
16 and Amsterdam in resolving local telecom
17 issues, including PEG access. These deals
18 look wonderful to some making a direct
19 profit. The loss of local control could be
20 devastating. The New York State Public
21 Service Commission and the FCC are
22 empowered to protect public interest and
23 address the vital national concerns and
24 should act to do so.

25 Time Warner operates a profitable

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2 business in public-rights-of-way belonging
3 to all the people of New York City. In
4 exchange for this unique public property,
5 the City receives payments in the form of
6 cash and communication systems for use by
7 the people, both cable and networking.
8 Public access organizations also receive
9 support and distribution capacity. We
10 consider administration of these resources
11 a sacred trust.

12 Together with the City, we work to
13 meet two important community needs: Access
14 to digital distributions systems, and
15 access to the knowledge and skills that
16 people need to thrive in the information
17 economy. I'm not going to read through the
18 whole thing, but at BRIC we provide
19 training for more than 5,000 people, 5,000
20 adults a year, and this year alone we are
21 offered immediate training in the public
22 school systems in dozens of public schools
23 and to many thousands of students.

24 I won't talk about all of our
25 programs but some of them are of direct

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2 service to community, including one program
3 that we have that offers up older teens who
4 need to come out of foster care and go
5 into -- go into adopted situations, and
6 this results in real people finding homes;
7 it's not just a matter of talking about it
8 but people have been adopted through them.
9 We also have services where we're helping
10 community organizations including Diaspora
11 Community Services where we've helped them
12 make PSAs promoting the direct services to
13 women living with HIV, to youth health
14 advocates and, in particular, Brooklyn's
15 Haitian community, here and in the
16 Diaspora.

17 We offer free training, equipment
18 and facilities for Cablecast to the public
19 and we also, we do this on a first-come,
20 first-served basis. Every quarter, more
21 than 500 people have their programs put
22 onto BRIC channels.

23 What we ask is simple, we ask under
24 channels, we ask that the PEG channels be
25 maintained at the current capacity levels

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2 as listed in the franchise agreements. We
3 ask that the Cablecast PEG channels are
4 with the same quality as commercial
5 channels, and to keep the PEG channels in
6 easily accessed, stable locations, not
7 placed in the middle of cable systems where
8 they can't be found by the public.

9 Financially we ask for commitment to
10 stable financial support for PEG access
11 services, vital the training, production
12 and distribution services now provided to
13 digitally under-served populations. And
14 we'd like to assure that City revenues from
15 franchise agreements can continue at at
16 least the current levels throughout the
17 franchise, again, without regard to any
18 shift in cable markets or definition of
19 cable subscribers. We ask that the PSC
20 approval of the merger should be
21 conditioned upon written agreement to these
22 priorities.

23 We look forward to working with the
24 City and we'd be glad to sit down with the
25 PSC to try to work out language on these

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2 things, and we look forward to your
3 decision.

4 ALJ WILES: Thank you. We have your
5 written statement and this will be
6 incorporated in the record as a comment.

7 MR. REID: Thank you. Good
8 afternoon. My name is Stuart Reid. I'm
9 the Co-Chairman of the Digital Divide
10 Partners.

11 The Digital Divide Partners, DDP, as
12 we call ourselves, is pleased to announce
13 the support of the merger of Charter
14 Communications with Time Warner Cable and
15 Bright House Networks, because we believe
16 that New Charter would serve as an
17 outstanding community partner.

18 The DDP, through it's Digital Divide
19 Project, has worked for more than ten years
20 to bring digital equity to under-served
21 communities in New York City. The DDP's
22 mission is to connect and empower the
23 "other" New York, the "have-nots", with
24 technological solutions that enable access
25 to resources, information, and quality of

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2 life enhancements. We do this by
3 interconnecting communities and community
4 institutions with high-capacity, local
5 high-speed wireless networks, and by
6 utilizing unlicensed spectrum to provide
7 ubiquitous Wi-Fi service.

8 The DDP utilizes a multi-phased
9 approach that embeds economically
10 disadvantaged community groups and anchor
11 institutions in the implementation of its
12 technological solutions. The DDP has
13 partnered with local institutions like CCNY
14 and Harlem Hospital, borough-wide public
15 housing resident leadership, and local
16 community groups and non-profits to create
17 a Community Wide Area Network, or CWAN,
18 that interconnects our community partners
19 on a fee-less basis.

20 The CWAN functions as a public
21 safety network platform providing community
22 partners with a fall-over backup
23 communications during emergencies. This
24 includes interconnection with the Emergency
25 Operations Center and WHCR FM, the

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2 emergency broadcast team at CCNY, and the
3 Harlem Hospital Public Safety and Emergency
4 Operations Center.

5 During normal times, the CWAN
6 provides ubiquitous free Wi-Fi service over
7 our community-funded and operated nodes.
8 The CWAN also provides access to thousands
9 of hours of community-centric content
10 provided by our community member Streaming
11 University.

12 The DDP is excited about the
13 entrance of New Charter into the New York
14 City market and it's commitments to a new
15 diversity, specifically, New Charter's
16 commitment to settlement-free peering and
17 open interconnection is refreshing and to
18 be applauded. The DDP would expect
19 New Charter to extend this same commitment
20 to community-based providers. That's true
21 network diversity.

22 While New Charter's commitment to
23 diversity in hiring, suppliers and
24 programming is commendable, the DDP
25 supports New Charter's commitment to

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2 community collaborations that bring direct
3 economic benefit to our communities and
4 their members. That's economic diversity.

5 The DDP supports New Charter's
6 recognition that it serves many segments in
7 the community and its understanding that
8 investment in community undertakings and
9 organizations that create economic
10 opportunity and solutions for people on the
11 ground are far superior to top-down,
12 paternalistic solutions. That's community
13 diversity.

14 Finally, New Charter's embrace of
15 new diversity opportunities in New York
16 City sends a message that it understands
17 how a corporate citizen can accrue value
18 for its community-based efforts. For these
19 reasons, the DDP wholeheartedly supports
20 the New Charter diversity plans and its
21 merger with Time Warner. We look forward
22 to partnering with New Charter in
23 implementing community-based technology
24 solutions that work to benefit all
25 New Yorkers. Thank you for this

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2 opportunity to testify.

3 ALJ WILES: Thank you.

4 The next speaker is Rosita Romero,
5 and the speaker after her will be
6 Ben Kallos.

7 MS. ROMERO: Good afternoon. My
8 name is Rosita Romero. I am the Executive
9 Director of the Dominican Women's
10 Development Center in Washington Heights.

11 The Dominican Women's Development
12 Center was founded 27 years ago by a group
13 of the Dominican women who wanted to
14 organize Latinas around critical issues
15 facing our community. Every day we are
16 working to address problems such as sexism,
17 discrimination, domestic violence, child
18 abuse neglect, early childhood education,
19 HIV prevention, and access to health care.

20 We have been loyal customers of Time
21 Warner Cable for the past 15 years and have
22 received excellent services. For our work
23 to succeed, it is important that
24 corporations take strong involvement in the
25 communities they service, meaning their

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2 customer base. New Charter, the product of
3 the proposed merger between Charter
4 Communications and Time Warner Cable, would
5 be a welcomed community partner.

6 In reviewing the merger proposal and
7 listening to previous comments, we were
8 impressed with the steps that New Charter
9 is taking to help those who are often
10 overlooked. For its customers, New Charter
11 will be offering a robust broadband program
12 for low-income consumers. This is
13 critically important in order to reduce the
14 digital divide. Access to high-speed
15 Internet shouldn't be a luxury of a few.
16 It should be a tool that is made available
17 to as many people as possible because it
18 opens the door to more educational and work
19 opportunities for young people,
20 particularly, and everybody in our
21 community.

22 New Charter will also be a benefit
23 for its employees. The company has
24 committed to adopting Time Warner's
25 award-winning diversity initiatives. These

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programs will help ensure that more women and minorities are given opportunities not only as New Charter, but in the broader cable/Internet supply chain. Having more corporations make these type of commitments would be a big step in helping to fight the systematic problems facing our Latina community. The FCC should approve this merger so that New Charter can begin setting an example for others.

And I have written testimony to submit to this. Thank you.

ALJ WILES: Thank you.

After Mr. Kallos the next speaker will be Greg, I think, Sutton.

MR. KALLOS: Thank you to the Public Service Commission for your commitment to the public and coming around the state on these issues, specifically Commissioner Diane Burman. Please give my regards to the rest of the Commissioners, as well as Administrative Law Judge Ben Wiles. Thank you.

I'm Council Member Ben Kallos. I'm

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1 here today on behalf of New York City
2 Public Advocate Letitia James, New York
3 State Senator Brad Hoylman, and New York
4 State Assembly Member Walter Mosley,
5 Manhattan Borough President Gale Brewer,
6 and New York City Council Member
7 Ruben Wills. We stand together on behalf
8 of 8.4 million people in the City of
9 New York in hopes that this merger can
10 provide access to creating an affordable
11 broadband.
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13 Over the past year, the Public
14 Service Commission reviewed a proposed
15 merger between Comcast and Time Warner to
16 determine whether it was in the public
17 interest. During that period, we advocated
18 on behalf of the City of New York, seeking
19 the preservation of network neutrality,
20 expansion of Lifeline eligibility to
21 broadband, and other requests aimed at
22 bridging the digital divide while
23 expressing overall concerns with
24 anti-competitive elements of the proposed
25 merger.

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Many initially thought the merger would not be stopped and if it was stopped that we would never get another bite at universal broadband. And following that whole situation, we made a lot of progress. The FCC adopted net neutrality. Chairman Wheeler has come out in favor of Lifeline eligibility for broadband.

On a local level, our Mayor has announced the Link NYC which will provide free gigabit wireless Internet using old payphones throughout the City. And it turns out our concerns regarding the anti-competitive nature of the other deal were also shared by the Department of Justice, and as a result Comcast seized their merger. And now we, with New Charter, we have another opportunity.

In order to just summarize our three pages of testimony, what we're looking for from the Public Service Commission as you do the public interest review, is the following: First, provide low-income New Yorkers with Connect2Compete, a

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2 low-cost \$9.95 a month broadband as well as
3 computers, laptops, tablets for \$250 or
4 less, along with opening up the 700,000
5 free public Wi-Fi spots and free training.
6 And I just want to note that I'm very glad
7 that that Charter has extended. Connection
8 will be from Bright House, which their
9 acquiring into the Time Warner Cable
10 service area, and our hope is to expand
11 that from the free and reduced lunch
12 recipients, that would be covered by
13 Connect2Compete to all low-income New
14 Yorkers.

15 We'd also like to see maintenance
16 and improving the \$14.99 per month everyday
17 low price with at least five megabits for
18 all New Yorkers, regardless of income and
19 expansion for small businesses. We'd also
20 like to see the \$9.25 per month Lifeline
21 discount to low-income phone customers
22 coupled with Connect2Compete, and a
23 commitment to provide free -- sorry -- to
24 provide Lifeline discount for broadband
25 with the FCC rollout.

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Additionally, we'd like to see free broadband for New York City Housing Authority and community centers, as well as free Wi-Fi in all city parks, libraries and spanning the 70,000 public hotspots that Charter has committed to putting in. And last but not least, investing in New York by bringing jobs, upgrading infrastructure, supporting NY1 and public access, which are two of our Borough President's favorite items, as well as improving customer service and protecting consumers.

Finally, achieving universal broadband is the responsibility of the government that regulates and provides exclusive franchises to cable companies who must in turn provide free and low-cost broadband, computers and training to low-income New Yorkers so it may bridge the digital divide. We've got a second bite at bridging the digital divide in the big apple. Thank you.

ALJ WILES: Thank you.

The next speaker is Greg Sutton, and

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following him would be Richard Berkley.

MR. SUTTON: Thank you. And on behalf of Manhattan Neighborhood Network, the Community Access Organization serving the borough of Manhattan, we'd like to thank the New York State Public Service Commission for holding these important hearings, and also greetings to Council Member Kallos for his remarks as well.

Since the inception of cable television in New York City, Community Access Television has been an essential and dynamic feature of the New York City media landscape. Across the five boroughs, Community Access represents the essence of localism and diversity, providing media and broadband access to a remarkable array of communities that make up the wonderful mosaic that is New York City.

New York City Community Access Television outlets are also the single largest cablecasters of original content anywhere in the country. At MNN, more than 700 community producers use our studios and

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2 equipment annually, and more than 1,000
3 Manhattan producers submit some
4 11,000 hours of original, independently
5 produced content each year, including 70
6 live shows each quarter.

7 MNN, along with our sister
8 organizations in the Bronx, Brooklyn,
9 Queens and Staten Island, are also the
10 largest media education institutions in the
11 City of New York. At MNN alone last year,
12 we had over 2,000 attendees in dozens of
13 high-quality, digital media classes. All
14 of this has been thanks to the support of
15 community media by many individuals and
16 organizations, as well as elected
17 officials, the New York City Council, and
18 City and State officials. In particular,
19 we would like to thank Time Warner Cable
20 with whom we've had a positive working
21 relationship that spans over three decades.
22 In the last round of franchise renewals,
23 Time Warner Cable greatly increased its
24 support levels and channel capacity in an
25 effort to expand and sustain our operations

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2 and increase our ability to serve our
3 communities.

4 We would, however, like to take this
5 opportunity to raise some important
6 cautionary concerns. According to a recent
7 study from the Alliance for Community
8 Media, which is a national advocacy
9 organization representing PEG stations from
10 across the country, Charter Communications
11 has a documented poor record in ensuring
12 that local cablecast channels are easily
13 found or adequately publicized. In 2008,
14 for instance, the ACM report notes that
15 Charter moved all PEG channels on at least
16 31 of its Wisconsin systems from low
17 numbers where they had been for decades, to
18 channels 982 to 994. Charter's pattern of
19 moving local PEG channels to a digital
20 Siberia has been repeated in Massachusetts,
21 Minnesota, Missouri and Montana, according
22 to the ACM.

23 Further, Charter seems to have a
24 poor record of adequately publicizing PEG
25 channels on their Electronic Program Guide.

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This sends the message that community media is not valued and it also diminishes the voices of local content creators.

Moving forward, it is vital that MNN and other local cablecast channels are easily found and adequately publicized across all five boroughs. We support the clustering of local broadcast and cablecast channels on the cable TV systems and look forward to working with cable providers in New York City to achieve this goal while preserving and strengthening the accessibility and localism that Community Access provides the City.

The funding for Community Access Organizations is currently based on the number of cable subscribers in our boroughs. In the coming years, an increasing number of customers may migrate to Internet-only subscriptions due to a surge in the availability of streaming devices that deliver programming. We need to work together to ensure that the funding stream provided through cable television

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2 subscriptions will be extended to parallel
3 means of viewership. This shift will
4 preserve our ability to provide
5 high-quality, local programming and
6 innovative training programs that seek to
7 close the gap and lessen the digital divide
8 for all city residents. MNN is preparing
9 the next generation of technology users,
10 but we need the continued and evolving
11 support of franchises to do so.

12 We look forward to partnering with
13 the City and State governments and with
14 Charter Communications should its merger
15 with Time Warner Cable be approved.
16 Together we can ensure that community
17 service, localism and diversity continue to
18 grow and thrive in an ever-changing media
19 and technology landscape. Thank you.

20 ALJ WILES: Thank you.

21 The next speaker is Richard Berkley,
22 and after Richard would be
23 Bradford Gonzales-Sussman.

24 MR. BERKLEY: Commissioner Burman,
25 Judge Wiles, members of the audience,

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elected officials, fellow commenters, thank you for the opportunity to come before you and speak about this proposed transaction tonight.

Let me begin by saying the Public Utility Law Project, which I am here representing as its Executive Director, at this point neither supports the proposed merger nor opposes it. We believe that there are a number of significant commitments that would need to be negotiated and information requests to be sought and scrutinized before such an action would be proven. We do not believe, in other words, that the record at this point supports that idea that such a transaction is in the public interest.

We have five areas of concern and one area that we believe is an area of opportunity that are presented by this proposed transaction. Those areas of concern are low-income customer needs, general broadband concerns, service quality concerns, PEG access concerns, and general

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2 broadband build up concerns. Our area of
3 what we hope is opportunity is what I will
4 be discussing in some detail later on in my
5 testimony that I call a new social
6 contract. For those of you who have been
7 around the cable world for some time or the
8 public access world, you know what the old
9 social contract was, and I'll come back and
10 talk about that some more in a moment.

11 Like several of the commenters
12 before me, the Public Utility Law Project
13 believes it is important that if the
14 Commission were to approve this merger that
15 first, there would be established
16 high-speed, low-cost Lifeline broadband,
17 not only in the City of New York but also
18 in the rest of the state. The state is
19 facing a crisis of affordability in the
20 area of public utilities. There are in the
21 rest of the state, but particularly in New
22 York City, many, many, many New Yorkers who
23 make \$35,000 or less and pay significant
24 portions of their income on utilities. For
25 them to be able to afford broadband is

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2 vastly important; agencies in the City of
3 New York like HRA that provides services
4 through broadband, schools provide homework
5 through broadband, teachers grade papers
6 through broadband, children do research
7 through broadband. If families cannot
8 afford it, the option of going to the
9 library or perhaps going to a community
10 center or staying late after school are not
11 as positive options, and the key foundation
12 in a number of other large national
13 foundations that have studied the lack of
14 broadband in low-income family households
15 has shown that lack of access at home
16 correlates very strongly with the inability
17 to thrive at school and an inability to
18 move upward in social class.

19 So we believe that the high-speed,
20 low-cost Lifeline broadband offered at
21 somewhere around 50 percent of the
22 maximum -- I'm sorry, the minimum speed
23 that Charter is proposing to offer, which
24 is in the 60 megabit range, so we're
25 looking at something around 25 to 30

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2 megabits down and three to five megabits
3 up, at about \$9.95 a month we believe would
4 be an appropriate low-income broadband.
5 It's no coincidence, by the way, that in
6 our comments that we worked on with 40
7 other state utility consumer advocates that
8 we advocated for that type of Lifeline
9 broadband across the country and for the
10 price to be in the neighborhood of \$9.95.

11 We believe that if the Commission
12 were to consider approving this transaction
13 they would also need to make certain that
14 the merged entity from Charter would
15 maintain the Lifeline telephone service
16 currently offered by Time Warner Cable.
17 Time Warner Cable is unique among the large
18 cable carriers in the state in that it's
19 sought to become a telecommunication
20 carrier so that it could provide a
21 discounted Lifeline with wireline telephone
22 service. So Lifeline wireline telephone
23 service is a provision of a low-cost
24 affordable wireline and phone for
25 low-income households, and quite honestly

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it's the position of the Public Utility Law Project that the wireless Lifeline, which has become quite popular over the past several years, is by no means comparable to wireline.

Just to give one simple example, if you have a wireless Lifeline phone in your house and the adult takes that phone out the door with them, the children at home now have no phone. They can't call 911, they can't call for hospitals. Public safety is undermined. So we believe that before the Commission consider approving this transaction, if it does in fact go through that analysis, that it is important to maintain Time Warner's existing Lifeline service.

With regard to general broadband concerns, Charter has suggested that it will build out in the neighborhood of 100,000 new lines and it will spend roughly \$4 million over the first several years after the transaction is completed, in wiring previously unwired or

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2 under-served commercial areas. We think
3 that it's extremely important in the City
4 of New York and in the rest of New York
5 State that such a buildup, first be laid
6 out on a granular basis, so it needs to be
7 detailed with discerning deliverables so it
8 will build out a schedule that people can
9 see.

10 More importantly, we think it's
11 important that such a build out go into
12 distressed census tracts. In the reality
13 of our monitored economy is that hundreds
14 of people use broadband and create new
15 business models that we had not
16 contemplated in the past, and in fact, we
17 didn't even contemplate them last week
18 sometime, and for the company to build new
19 high-speed broadband initiatives to
20 distressed census tracts, to work with
21 these commercial operations and to provide
22 support for the entrepreneurs who live in
23 those neighborhoods, we believe would be an
24 important part of discerning the public
25 interest in this proceeding.

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We also believe that it's important that the company maintain standalone Internet service so that you should be able to receive low-cost, high-speed Internet service without buying any other products from the company, and that such a service also not be loaded up with additional fees, modem rentals, all sorts of taxes and things like that. That too we believe would be an important way to determine whether or not the public interest was being served by the proposed transaction.

Charter has suggested that it will build hundreds of thousands of new Wi-Fi hotspots and we believe that that is not only important in the City of New York but it's also important in the rest of New York State.

Turning to the issue of service quality, the Public Utility Law Project has scrutinized service quality of wireline telephone carriers in this state for more than 30 years. When Time Warner Cable became a wireline telephone carrier,

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2 subject to the Commission and the FCC's
3 regulation, we also went to scrutinize the
4 service quality of that wireline offering
5 from Time Warner and we were told that it
6 was a trade secret and could not be seen.
7 We eventually litigated that issue and won,
8 and received more than a year's worth of
9 service quality details, but we believe
10 that it's vastly important going forward
11 that the Commission work with the company
12 to continue first to report on an annual
13 basis, the service quality of the telephone
14 offering that comes from Time Warner and
15 then later New Charter, but also that it be
16 done in a transparent kind of way.

17 Again, wireline telephony is vastly
18 important to public safety, it's important
19 to health, it's important to our welfare,
20 it's important to low-income families,
21 disabled families taking part in
22 government. And so it's important to be
23 able to see whether the quality of service
24 is high enough so the people get what
25 they're paying for. More importantly,

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2 whether it actually works as a replacement
3 for what they had before.

4 Both an individual from BRIC and
5 from Manhattan Neighborhood Network spoke
6 about PEG access, and I didn't address it
7 when I spoke last week in Upstate New York,
8 but it is appropriate to speak about PEG
9 access in New York City. New York City, as
10 both of the previous commenters said, has
11 some of the most highly developed,
12 well-funded, well-staffed effective PEG
13 channels in the State of New York, and in
14 the entire country. This is not true for
15 the rest of New York State and as Greg just
16 pointed out in his comments, the reputation
17 that some cable companies have for moving
18 channels around was in fact true for Time
19 Warner Cable in Upstate New York. They had
20 an unfortunate tendency in a number of
21 cities of moving PEG channels from the
22 lower tier, that is the basic service tier
23 where it's the cheapest and generally
24 subscribed to the most by seniors and by
25 low-income households, and move those PEG

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2 channels from there up into higher areas
3 where you would either buy a much more
4 expensive product or you would have to get
5 them in some other manner.

6 And so we believe that it's
7 important going forward if this transaction
8 is approved by the Commission, that a
9 careful look be taken at the status of PEG
10 access channels in Upstate New York, that
11 the Commission examine whether they were
12 properly funded, examine whether your
13 channels have been moved from the lower
14 tier to the highest tiers, as Greg said
15 digital limbo, and generally whether all of
16 the entities that have sought public
17 educational and government channels have
18 received them under their previous
19 franchises.

20 I come finally to the issue of what
21 we're calling a new social contract and
22 just to quickly go through a little bit of
23 history, in 1995 the FCC issued an order
24 binding Time Warner Cable to what was
25 called a social contract. The social

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2 contract resolved more than 900 outstanding
3 dispute rate cases, refunded more than \$4.5
4 million to subscribers, and committed the
5 company then to a five-year buildup program
6 which invested more than \$4 billion in
7 1995, real money by today's standard. The
8 investment was to increase the deployment
9 of a new technology called fiberoptics. It
10 was also invested in the system
11 reliability, channel bandwidth and signal
12 quality. At least 60 percent of all that
13 capital investment was to be focused upon
14 the basic service tier for cure upgrades
15 and the company was ordered to create a
16 Lifeline basic tiered programming in cable
17 systems serving at least 85 percent of all
18 subscribers the company services. So there
19 was a very strong focus on those vulnerable
20 households served by the cable provider.

21 Time Warner was additionally ordered
22 to provide a free cable connection to all
23 public schools in the service territories
24 that were passed by a system and to all
25 private schools that received Title 1

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1 funding under the Education and Secondary
2 Schools Act. Finally, Time Warner was
3 ordered that when such technology became
4 available it was required to provide at
5 least one cable loading drop per school and
6 a cable model. Remember this is 1995;
7 cable modems were still a dream at that
8 point for most of the country. The FCC
9 finally required a 10 percent reduction of
10 basic service year costs and limited annual
11 increases in rates by the company. So the
12 FCC's focus on the social contract was upon
13 pushing the company to work harder for its
14 low-income, fixed income, disabled, veteran
15 households in a service area, and that we
16 believe is very important again to analyze
17 in this proposed transaction.

18
19 And the Public Utility Law Project
20 suggests hearing on our written comments
21 that we filed last week and we'll reiterate
22 these comments and add more in our reply
23 comments next week, that we believe it's
24 time for a new social contract in the Time
25 Warner territories, and particularly in

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New York City and north of the state. We should once again lead the rest of the country in obtaining better and newer cable, telephony and broadband services in serving our low-income, fixed income, veterans and disabled households better.

And I'd like to recite a couple of the conditions that a final approval could have that would go a long way towards demonstrating that such a transaction is in the public interest. First, it would be necessary to be able to point to savings refunded to customers who are invested in the network or to a significant amount of new construction, particularly in areas that were under or unserved under the existing franchises. Second, service quality metrics and negative revenue adjustments that are reasonably calculated to incentivize improved results, better picture quality, better high-speed, better telephone.

A specific and detailed commitment with clear deliverables will construct and

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2 extend an upgrade network in unserved and
3 underserved areas of the state. Now, I'm
4 not only talking about the rural areas of
5 Upstate New York or the distressed census
6 tracts of Upstate New York, but as a
7 merger, you all know that there are large
8 areas of city that are unwired or
9 underserved. We also believe it would be
10 important for a broader form of an
11 investment in the company's infrastructure
12 on a larger basis. We believe it would be
13 important for a commitment to a broad and
14 deep investment in maintaining existing
15 jobs and creating new jobs to support
16 entrepreneurial businesses, whether they be
17 in, you know, the wealthiest areas of the
18 state or whether they be in distressed
19 census tracts or known areas. And we
20 believe it's important for New Charter to
21 eliminate the digital divide and that would
22 be able to be addressed in the new social
23 contract.

24 While it is not unreasonable to
25 assume that such factors may be

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2 demonstrated or conditioned upon approval,
3 later in this proceeding, such as in the
4 case at this point in time, and that is
5 why, among other reasons the Utility
6 Project -- the Public Utility Law Project
7 reserves its final opinion of the proposed
8 merger until later in the proceeding. As I
9 said, as we file our reply comments next
10 week, we'll be talking more about such
11 things as PEG access, we'll be talking more
12 about other issues regarding the market
13 power, and such other things as would
14 further develop the records of the
15 Commission to be able to make its analysis
16 whether or not the proposed transaction is
17 in the public interest. Thank you.

18 ALJ WILES: The next speaker is
19 Bradford Gonzales-Sussman, and he will be
20 followed by Debra Feinberg.

21 MR. GONZALES-SUSSMAN: Judge Wiles,
22 Commissioner Burman, thank you for this
23 opportunity to testify. I will be
24 submitting testimony on behalf of
25 Cynthia DiBartolo, the Chairperson at the

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Greater New York Chamber of Commerce, and Mark Jaffe, the President and CEO of the Greater New York Chamber of Commerce. I'm the General Counsel for the Chamber.

On behalf of the Greater New York Chamber of Commerce, representing the collective interest of more than 300,000 businesses and civic leaders in our Chamber, we write to provide our support for the proposed transaction between Charter Communications, Time Warner Cable, and Bright House Networks. The combined entity will operate as New Charter Communications and provide over three million New York customers with a diverse selection of products.

We verily believe that this merger will drive investment in broadband networks, allow wider deployment of Wi-Fi networks in rural communities and public places, and expand optical networks for businesses. New Charter intends to offer a variety of opinions of Internet speeds -- sorry, a variety of options of

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Internet speeds to allow consumers and businesses to choose an appropriate solution for their needs. Our businesses not just want this option but demand it.

Additional benefits for our communities and businesses include the fact that New Charter is committed to principles of net neutrality, ensuring a free and open Internet without blocking or slowing down of traffic. The company supports an internal ban on zero-rating, a practice that allows for favoring of certain Internet content providers over others in consumer-end data cap allocation.

Additionally, New Charter intends to go beyond the general conduct rule of FCC by not engaging in imposing limits on data usage, throttling, and usage-based pricing.

There is no question that meaningful growth of Silicon Alley in New York metropolis is dependent upon cutting-edge technology communication infrastructure to support innovation and entrepreneurship. The combined entity will be in a favorable

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2 position to provide the necessary
3 investments in advanced technology to
4 deliver faster broadband speeds for
5 individual and business customers. The
6 large scale of the new entity will drive
7 expansion of existing service to a broader
8 consumer base, as well as allow for massive
9 deployment of new offerings which will help
10 to facilitate operations and growth of
11 local businesses.

12 In addition to providing a broadband
13 infrastructure for the business growth,
14 New Charter has committed to insource call
15 center jobs with the goal of improving
16 customer service and continuing to create
17 jobs in the U.S. we applaud Charter's
18 commitment to bring Time Warner Cable
19 customer-care jobs back from overseas to
20 enhance customer service, its pledge for a
21 quicker rollout of advanced technology
22 including bringing all systems digital
23 within three years of closing, and it's
24 plan to offer an affordable and robust
25 broadband program for low-income families

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2 throughout its new footprint.

3 We respectfully urge you to approve
4 the merger.

5 ALJ WILES: Thank you.

6 I should note for the record I also
7 now have a written statement from the
8 Northern Manhattan Arts Alliance, which
9 will be incorporated in the comments for
10 the case.

11 The next speaker is Debra Feinberg,
12 and she will be followed by Kevin Bronner.

13 MS. FEINBERG: Good afternoon. My
14 name is Debra Feinberg and I'm speaking on
15 behalf of the Partnership for New York
16 City. Thank you for the opportunity to
17 testify here today in support of the
18 proposed merger of Charter Communications
19 and Time Warner.

20 The Partnership for New York City
21 represents the City's largest private
22 sector employers, investors and leading
23 entrepreneurs. We work with government,
24 labor and the non-profit sector to promote,
25 invest in and build the economy of

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2 New York. We are here to support this
3 proposed merger because it will accelerate
4 development of needed broadband
5 infrastructure in New York, enable
6 New Charter to offer enhanced services to
7 New Yorkers, including a faster, more
8 reliable broadband connection, and it will
9 spur job creation.

10 If approved, the merger would
11 promote competition and offer New York
12 residents and businesses superior quality
13 telecommunications services at reasonable
14 costs, essential in our 21st Century
15 economy. As New York's high tech
16 innovation economy continues to grow, it is
17 imperative that our infrastructure is
18 up-to-date and the latest technologies are
19 available so that we remain competitive.

20 New Charter would be an industry
21 leader in broadband infrastructure
22 investment, investing at least \$2.5 million
23 for upgrades and build-outs. They intend
24 to offer the fastest entry level bandwidth
25 speed available at a low cost, with

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2 supplemental options as high as 300
3 megabits per second, and plan to make
4 special outreach to reach small- and
5 medium-sized businesses. These activities
6 will generate construction jobs and related
7 downstream employment.

8 Demand for at-home Internet service
9 is increasing, not only for personal
10 communications but for working remotely as
11 well. New Charter plans to build out one
12 million line extensions into residential
13 areas, would offer consumer-friendly
14 updates to digitization and cloud-based
15 technology, and has said they will not
16 issue modem fees, data caps or usage-based
17 billing, providing customers with
18 transparent flat rates.

19 New Charter's proposed investment,
20 commitment to New York and provision of
21 enhanced quality services illustrate how
22 this merger would benefit New Yorkers. We
23 urge your consideration of these benefits
24 and approval of the merger. Thank you.

25 ALJ WILES: The next speaker is

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Kevin Bronner, and you will be followed by
Kenneth Jones.

MR. BRONNER: Good afternoon,
Judge Wiles and Commissioner Burman. My
name is Kevin Bronner and I am the Director
of Policy and Research at the Business
Council of New York State, Inc., and I am
here to express our support for the
proposed Charter Communications, Inc., Time
Warner Cable Inc., and Advance/Newhouse
Partnership merger.

The Business Council is the leading
employer organization in New York City,
representing the interest of large and
small businesses throughout the state. Its
membership is made up of about 2,400 member
business as well as local Chambers of
Commerce and Professional Trade
Associations. Overall, our members employ
more than 1.2 million New Yorkers. This
includes Time Warner Cable, a valued and
longstanding member of the Business Council
who employs close to 10,000 people across
New York. The primary function of the

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Business Council is to serve as an advocate for employers in the state political and policy making arena, working for a more competitive business, economic growth in jobs.

Based on the available information and public record to date, we strongly believe this proposed merger will benefit the approximate 3.2 million consumers in many business enterprises across 1,100 communities in the State of New York within the combined service area. New Yorkers should be especially interested in the commitments Charter Communications has made in their efforts to acquire Time Warner and Advance/Newhouse.

The commitments that are most significant to us include: Investing at least 2.5 billion in the build-out network of commercial areas, which provide businesses with better service; faster Internet speeds, and more competition; building out one million line extensions of their network into residential areas within

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Charter's footprint, which will provide high-speed service to rural and underserved areas; continue Time Warner Cable's award-winning diversity inclusion initiatives in hiring, purchasing, programming, community investment across the combined company; increased engagement with minority, women, veteran and disabled-owned businesses with the commitments to supply these businesses with the high-quality materials and programs the customers demand; the full digitization of Time Warner Cable systems in New York City within 30 months; significant investment in both in-home and out-of-home Wi-Fi, which includes deployment of over 300,000 at-home Wi-Fi apps as points across its footprint, including in New York; invest in customer service and return Time Warner Cable's call center jobs to the United States, which will result in a hiring and training of thousands of new employees for its customer service call centers and field technician

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1 operations, including in New York; and
2 provide faster Internet speeds for lower
3 prices, which include offering a minimum
4 broadband speed of 60 megabits per second
5 to all Time Warner customers in New York,
6 regardless of the location.
7

8 It is our belief that the
9 commitments being made will provide a major
10 net benefit to businesses and consumers
11 across the State of New York. New York
12 businesses are becoming more reliant on
13 information technology to meet their
14 everyday needs. This merger will provide a
15 unique opportunity to spur efforts to offer
16 business communication services to
17 enterprises of all sizes, particularly
18 small- and medium-sized businesses for
19 which competitive options are often
20 lacking. And as Charter Communications
21 rolls out its upgrades to the existing Time
22 Warner Cable networks, it will boost job
23 growth, the construction and related
24 downstream employment, especially in the
25 Upstate and rural areas in desperate need

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of economic growth.

For all of these reasons, we urge the Commission to approve the Charter Communication, Inc., the Time Warner Cable Inc., and Advance/Newhouse Partnership merger. Thank you.

ALJ WILES: Thank you. I should mention for those who left a copy of statements that they actually read into the record, I only kept one copy but if I had a second copy I can give it to the reporter more easily and she will use that to make sure her transcription is accurate. So if you did leave a copy with me and the copy you left with me is the statement that you actually read into the record, if you leave me another one I would appreciate it. Thank you.

Mr. Jones.

MR. JONES: Good afternoon and thank you. We appreciate the opportunity to testify in front of the Public Service Commission and thank Commissioner Burman and Judge Wiles for their time.

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2 My name is Ken Jones and I'm the
3 Executive Director of the Salvadori Center.
4 The Salvadori Center, while has a very
5 unique name, has a very simple mission: We
6 teach children math and science and we use
7 the Built Environment, which is buildings,
8 bridges or local parks, communities in
9 which they live in, as a way to make it
10 relevant for children. We do this both in
11 the public schools and we do it in
12 after-school programs throughout all five
13 boroughs in New York City. Last year alone
14 we served over 3,500 children and delivered
15 about 39,000 hours of instruction.

16 The Salvadori Center does this
17 through a multiple variety of vehicles and
18 all of our programs are multiple days and
19 it's very impactful, but one of the things
20 we've learned over the last few years is
21 that learning doesn't just end with the
22 school day, and it doesn't even end with
23 after-school programs. It continues within
24 the homes and for the Salvadori Center, our
25 mission is to serve the most economically

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disadvantaged communities throughout all five boroughs. We're in programs in NYCHA, we're in programs in Boys and Girls Clubs, we're in programs in every economically disadvantaged community in the city.

In the last several years, if you look at the international rankings in math and science, the United States has been slipping consistently year after year. The New York State Department of Education talks about the need for college and career readiness and 21st Century job skills. Access to those skills, the ability to learn, relies not only in what the children learn during the school day and what they learn in after-school programs, but access to information when they get home, access to information in their communities. As it was so eloquently put by Mr. Berkley, that type of learning and access to information is now, in the 21st Century, should be a right to all citizens.

One of reasons we support this merger is because the Charter

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1
2 Communication, Time Warner Cable and Bright
3 House Networks, is because of the companies
4 promised increase access to affordable
5 Internet and invest in infrastructure to
6 underserved areas. Time Warner Cable has
7 been a long time supporter of the
8 Salvadori Center by funding after-school
9 programs in underserved neighborhoods
10 through the five boroughs, especially in
11 Staten Island and in Harlem. We believe
12 New Charter would continue to make positive
13 contribution to communities through similar
14 programs. The combined company has already
15 committed to expanding Bright House
16 Networks, successful low income broadband
17 program which gives underserved communities
18 access to fast speeds at affordable prices.
19 This is particularly important to ongoing
20 learning, both for students, their parents,
21 and for anyone of any age.

22 Moreover, the Salvadori Center's
23 Board of Directors is made up of builders,
24 engineers and architects. Professionals
25 with these backgrounds truly understand the

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2 importance of critical infrastructure to
3 enable businesses and communities to
4 evolve. One type of infrastructure that
5 needs consistent upgrading is in the
6 broadband sector. We're impressed with
7 New Charter's commitment to invest in
8 2.5 billion build-out of network into
9 commercial areas. The merger would also
10 result in one million line extensions into
11 residential areas beyond where the Charter
12 currently operates. The increased
13 broadband infrastructure enables families
14 and businesses to connect to the Internet
15 and to keep up with 21st Century society.

16 The merger between Charter
17 Communications, Time Warner Cable, Bright
18 House Networks would be very beneficial for
19 our community. Through their commitment to
20 expanding access to affordable broadband
21 and infrastructure upgrades, New Charter
22 would positively impact the families and
23 businesses of our communities. I urge you
24 to consider these factors and support the
25 merger. Thank you.

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ALJ WILES: The next speaker is Sulma -- I'm going to get the name wrong but I'll try -- Arzu-Brown. And she'll be followed by Clifford Jacobs.

MS. ARZU-BROWN: Good afternoon, Commissioner Burman and Judge Wiles. I am here on behalf of the President of the New York City Hispanic Chamber of Commerce, Mr. Nick Lugo, its Board Members, and the Hispanic business community. We are here in support of the merger of Charter Communications, Time Warner Cable and Bright House Networks into New Charter.

At the New York City Hispanic Chamber of Commerce, we are devoted to advocacy, economic development and community involvement. Our work reflects the vibrancy of the Hispanic business community in the city, and we are constantly striving to bring benefits to our members. New Charter's commitment to diversity and inclusion would offer valuable opportunities and improve broadband services.

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New Charter would adopt and expand Time Warner's award-winning diversity and inclusion initiatives. These include a range of programs aimed at improving workplace diversity, engaging in mutually beneficial relationships, and providing diverse programming. Time Warner's program for minority women, veterans and disabled-owned businesses have been especially beneficial to our members. It offers free web-based seminars to entrepreneurs interested in joining the broadband supply chain. The program provides our members with an avenue into the industry that would otherwise be difficult to break through.

New Charter's diverse programming will also benefit many Hispanic communities. New Charter would offer Charter's range of diverse programming that provides the largest tier of Hispanic channels including El Rey, Fusion, Fuse, NBC Universo, and ONE World Sports.

We are impressed with New Charter's

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2 commitment to diversity and inclusion. We
3 ask that you review the impact of these
4 programs and support the merger. Thank you
5 so much.

6 ALJ WILES: Thank you.

7 Mr. Jacobs, and following him would
8 be Nancy Ploeger. Come on down.

9 MR. JACOBS: Good afternoon, and I'd
10 like to thank Judge Wiles and
11 Commissioner Burman for allowing me this
12 opportunity to have my remarks entered into
13 the record.

14 QPT, Queens Public Television, is
15 most pleased to welcome New Charter cable
16 to our New York City area and trust that
17 the Public Service Commission will consider
18 their application favorably. We ask that
19 this body request New Charter to reaffirm
20 certain specific obligations of Time Warner
21 Cable so that public access will continue
22 to be alive and well in the New York City
23 area for a long time to come.

24 QPTV is a public access community
25 station which has its roots in the

1 Proceedings

2 franchise agreement between the City of New
3 York and cable operators, among which is
4 Time Warner Cable. We are confident that
5 New Charter will accept its
6 responsibilities mandated by the franchise
7 agreement with Time Warner, among other
8 operators and, more particularly, the grant
9 agreement between QPTV and Time Warner, and
10 of course the similar grant agreements with
11 our sister New York community access
12 organizations.

13 Public access stations are community
14 learning centers and, in many instances,
15 served as the hub for that community.

16 These learning centers offer the community
17 an opportunity to learn how to use a state
18 of the art technology to communicate their
19 message to their neighbors. As such,
20 community television is an exemplification
21 of the First Amendment in action. The
22 right of the people to express themselves
23 openly is a right that's being challenged
24 in many parts of the world today.

25 The Borough of Queens, New York is

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2 the most ethnically diverse community in
3 the United States. There are nearly two
4 hundred languages and dialects spoken here.
5 Travel from neighborhood to neighborhood
6 and you can here Italian, Urdu, Russian,
7 Hebrew, Polish, Spanish, Cantonese, Hindi,
8 Portuguese, Farsi and Tagalog to name a
9 few. There are many mainstream cable
10 channels, yet it is still difficult to find
11 programs in the diverse languages that are
12 spoken by the residents of our community.
13 When these communities need information
14 concerning voter registration, free
15 healthcare screenings and immigration
16 policy updates, the only place where they
17 can find that information in their own
18 language is on Queens Public Television and
19 on the channels of our sister stations in
20 the other boroughs. If these multilingual
21 programs were to disappear, many of our
22 viewers would be at a disadvantage. Public
23 access television is an oasis for people
24 speaking information about their community
25 in their language. We broadcast 24 hours

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2 of programming a day across four channels,
3 resulting in 96 hours a day of programming.

4 The cultural diversity of Queens
5 extends beyond our borders. QPTV has
6 formed a relationship with the U.S.
7 Department of State's International
8 Visitors Leadership Program. Under this
9 program, foreign journalists visit QPTV to
10 learn about community television and local
11 programming. Our facility has been visited
12 by journalists from Libya, South Korea,
13 Afghanistan, Iraq and Sub Saharan Africa.
14 Community production and programming, as
15 exemplified by Queens Public Television,
16 has become a model for foreign journalists.
17 We have been visited by many Arab Spring
18 Journalists who are striving to create an
19 independent media in their country.

20 We trust that our brief survey of
21 the world of QPTV in this most diverse
22 Borough of New York City gives some
23 demonstration of its overwhelming
24 importance to its almost two million
25 inhabitants. We respectfully submit that a

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1
2 healthy and vibrant QPTV provides the bond
3 that holds Queens County together by its
4 outstanding service to this diverse and
5 important population.

6 We ask Charter to continue the trail
7 blazing work of Time Warner and look to
8 this august Public Service Commission to
9 fashion the necessary requirements for New
10 Charter to follow in the future. In
11 particular, we feel strongly that the PEG
12 channels should remain in the sub one
13 hundred listing for convenient access by
14 the public. We also strongly suggest that
15 this channel listing be deemed a high
16 priority for further discussion and action
17 by the Public Service Commission. We also
18 request that the Public Service Commission
19 require New Charter to match the quality of
20 our original programming by cablecasting
21 our entire channel output in high
22 definition, and we also ask that Charter be
23 asked to enhance PEG programming in the
24 next many years so that this area of
25 viewership be not only continued over the

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2 next years but improved upon as well. We
3 are confident that the Public Service
4 Commission can work with New Charter in
5 this direction by keeping the PEG access
6 channels as an important and vital asset in
7 our community.

8 QPTV welcomes Charter and looks
9 forward to a relationship as productive as
10 presently exists with Time Warner. And I
11 have two copies of my presentation to
12 submit to the panel. Thank you.

13 ALJ WILES: Thank you.

14 The next speaker is Nancy Ploeger.
15 This is the last speaker, the last card
16 that I have, and if anyone now wants to
17 speak, please get a card and turn it in and
18 we'll be able to hear you. Thank you.

19 MS. PLOEGER: Thank you very much.
20 My name is Nancy Ploeger. I'm the
21 President of Manhattan Chamber of Commerce.
22 We have 10,000 members and subscribers,
23 73 percent of which are small businesses
24 with less than ten employees and many sole
25 proprietors who rely on broadband

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2 connection and reliable broadband
3 connection.

4 So I would like to state that the
5 Manhattan Chamber of Commerce is in support
6 of the merger of Charter Communications,
7 and Time Warner Cable and Bright House
8 Networks into New Chapter -- New Charter,
9 sorry. As I said, we represent 10,000
10 members and subscribers and it's our job to
11 promote issues that will directly benefit
12 our members and encourage economic growth.
13 New Charter would provide a diverse
14 Manhattan business community with a variety
15 of flexible services and flat rate pricing.

16 New Charter understands that
17 business needs certain tools to succeed. A
18 reliable broadband connection has been an
19 essential part of nearly every business
20 model. As a pro-business, pro-consumer
21 company and an advocacy, New Charter would
22 engage with entrepreneurs to find the most
23 effective services for their businesses.

24 New Charter's bandwidth options
25 would begin at 60 megabits and go as high

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2 as 300 Mbps. The entry level speed would
3 be the fastest of its kind, but still cost
4 less than many comparable packages. In
5 addition, schools, libraries and enterprise
6 businesses could choose from plans up to
7 eight Gpbs. New Charter would not issue
8 modem fees, data caps or usage-based
9 billing, ensuring customers have
10 transparent flat rates. In addition, New
11 Charter would strive to provide all
12 customers with the latest innovations,
13 including cloud-based technology, full
14 digitization and fiber-optic connections.
15 These products would benefit all businesses
16 that utilize technology.

17 We know how important broadband is
18 to our members and we believe New Charter
19 would provide a great service, and we urge
20 the Commission to approve the merger.
21 Thank you very much for holding this
22 hearing today and for allowing us all to
23 testify.

24 ALJ WILES: Thank you.

25 Is there anyone else who wishes to

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2 speak?

3 (No response.)

4 ALJ WILES: I won't repeat them, but
5 these monitors all afternoon show you the
6 four or five other ways you can provide
7 comments. If you wake up tomorrow morning
8 and you think you should have said
9 something or said something differently,
10 that's the way to let us know.

11 In addition, there will be another
12 Public Statement Hearing tonight in the
13 same room and we will start with the
14 information session at 6:00 and the Public
15 Statement Hearing at 7:00. And it is our
16 practice, we will be here to take comments
17 at the Public Statement Hearing for at
18 least an hour, so we'll be here at least
19 until 8:00. That's it.

20 Is there anything else to -- want to
21 be raised?

22 (No response.)

23 ALJ WILES: Thank you very much.
24 We're adjourned.

25 (Time noted: 4:17 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss:

I, JENNIFER CASSELLA, a Notary Public
within and for the State of New York, do hereby
certify:

I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true record of such proceedings
to the best of my ability.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 25th day of September, 2015.

JENNIFER CASSELLA

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B

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