



Public Service Commission

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Chair

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Kathleen H. Burgess
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May 24, 2016

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

Dear Mr. Henner and Ms. Helmer:

By filing dated May 19, 2016, Charter Communications, Inc. (Charter) opposed the appeal of Records Access Officer Determination 16-02, issued May 4, 2016. The Charter Opposition relies, in part, on a recent court decision exempting “trade secrets” from disclosure under the Freedom of Information Law.¹ The declarations attached to the appeal, filed in support of Charter’s Statement of Necessity, do not appear, however, to address the two-pronged test for “trade secret” status of *Verizon*, but largely go to whether Charter has shown a “likelihood of substantial competitive injury” from disclosure.

Charter is hereby given ten business days from this letter to either correct any misapprehension of the thrust of its filing, or to supply additional declarations pertinent to the

¹ *Verizon New York Inc. v. New York State Public Service Commission*, 137 AD3d 66 (3d Dept. 2016) (*Verizon*), construed Case 14-C-0370, *Study on the State of Telecommunications in New York State*, Determination of Appeal, issued March 23, 2016.

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showings required by *Verizon*. Mr. Henner will then have ten days to respond to Charter's opposition and any supplemental Charter filings.

Sincerely,



Kathleen H. Burgess
Secretary