

STATE OF CALIFORNIA

GAVIN NEWSOM, Governor **FILED**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

07/09/26

10:51 AM

A2507016

July 9, 2026

Agenda ID #24352
Alternate Agenda ID #24372
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 25-07-016:

Enclosed are the proposed decision of Administrative Law Judge (ALJ) Jamie Ormond and the alternate proposed decision of Commissioner Matthew Baker. The proposed decision and the alternate decision will not appear on the Commission's agenda sooner than 30 days from the date they are mailed.

Pub. Util. Code § 311(e) requires that the alternate item be accompanied by a digest that clearly explains the substantive revisions to the proposed decision. The digest of the alternate decision is attached.

When the Commission acts on these agenda items, it may adopt all or part of the decision as written, amend or modify them, or set them aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision and alternate decision as provided in Pub. Util. Code §§ 311(d) and 311(e) and in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed pursuant to Rule 1.13 and served in accordance with Rule 1.9 and Rule 1.10. Electronic copies of comments should be sent to Commissioner Matthew Baker's advisor Manisha Lakhanpal at Manisha.Lakhanpal@cpuc.ca.gov.

The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ MICHELLE COOKE
Michelle Cooke
Chief Administrative Law Judge

MLC: smt

Attachment

Agenda ID #24352
Alternate Agenda ID # 24372
Ratesetting

*DIGEST OF DIFFERENCES BETWEEN
THE PROPOSED DECISION OF ADMINISTRATIVE LAW JUDGE
ORMOND AND THE ALTERNATE PROPOSE DECISION OF
COMMISSIONER MATTHEW BAKER*

Pursuant to Public Utilities Code Section 311(e), this is the digest of the substantive differences between the Proposed Decision of Administrative Law Judge (ALJ) Ormond (mailed on July 9, 2026) and the Alternate Proposed Decision of Commissioner Matthew Baker (also mailed on July 9, 2026).

This alternate proposed decision (APD) of Commissioner Baker differs from the proposed decision (PD) of the administrative law judge in the following respects:

- While the PD grants the indirect transfer of control of Cox California Telcom, LLC (U-5684-C) to Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc., pursuant to Public Utilities (Pub. Util.) Code Section 854, subject to 25 mitigation measures, the APD grants the indirect transfer of control subject to five additional mitigation measures. The APD mitigation measures are similar to the PD mitigation measures covering 72 hour battery backup, customer credit for network outages, and adherence to current laws governing Public, Educational, and Government Access Channels. The APD further imposes mitigation measures covering equipment upgrades and downgrades and a requirement to honor existing “price for life” contracts.
- The PD proposes 20 modifications to the settlement between the Joint Applicants and CETF and the settlement between the Joint Applicants and Cal Advocates. The PD

also imposes five additions to the modified settlement covering rental equipment for low income customers, reporting and compliance via a Tier 1 advice letter, a three year deployment requirement of fiber to the home or DOCSIS 4.0, an \$8.5 million performance bond, funding of existing community investment programs at the current level for ten years.

- The APD accepts the settlement between the Joint Applicants and CETF and the settlement between the Joint Applicants and Cal Advocates with minor clarifications of existing terms.
- The APD authorizes Commission staff to draft a Resolution for Commission consideration reflecting an enforcement program that covers compliance with the terms of the mitigation measures as reflected in the Ordering Paragraphs, including, without limitation, the post-merger company's reporting requirements, service quality requirements, infrastructure investment requirements, requests for changes to conditions via a petition for modification, and the terms of any Settlement Agreements.

Decision **PROPOSED DECISION OF ALJ ORMOND** (Mailed 7/9/2026)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc. for Approval Pursuant to Public Utilities Code Section 854 of the Indirect Transfer of Control of Cox California Telcom, LLC (U5684C).

Application 25-07-016

**DECISION GRANTING INDIRECT TRANSFER OF CONTROL
SUBJECT TO THE TERMS OF THE JOINT SETTLEMENT**

TABLE OF CONTENTS

Title	Page
DECISION GRANTING INDIRECT TRANSFER OF CONTROL SUBJECT TO THE TERMS OF THE JOINT SETTLEMENT	1
Summary	2
1. Transaction Background	2
2. Procedural Background	4
3. Submission Date	12
4. Jurisdiction	12
5. Issues Before the Commission	12
6. Public Expectations of the Post-Merger Company	13
7. Application of Section 854(a)-(c)	16
7.1. Background	16
7.2. Joint Applicants' Position	18
7.3. Cal Advocates	19
7.4. CETF	20
7.5. TURN	20
7.6. CforAT	21
7.7. Discussion	21
8. Section 854(a) Requirements	23
8.1. Joint Applicants' Position	23
8.2. Cal Advocates	24
8.3. CETF	24
8.4. TURN	24
8.5. Joint Advocates (CforAT, CADE, DELA, EBBC, FCDI)	25
8.6. Discussion	25
9. Section 854(b) Requirements	26
9.1. Joint Applicants' Position	26
9.2. Cal Advocates	27
9.3. CETF	29
9.4. TURN	30
9.5. Joint Advocates (CforAT, CADE, DELA, EBBC, FCDI)	31
9.6. Discussion	32
10. Section 854(c) Requirements	35
10.1. Joint Applicants' Position	35
10.2. Cal Advocates	37
10.3. CETF	38
10.4. TURN	38

10.5. Joint Advocates.....	40
10.6. Media Alliance.....	40
10.7. Discussion.....	42
11. ESJ Action Plan and Public Safety.....	43
11.1. Joint Applicants' Position.....	44
11.2. Cal Advocates.....	45
11.3. CETF.....	46
11.4. TURN.....	47
11.5. Media Alliance.....	48
11.6. Joint Advocates.....	49
11.7. Discussion.....	50
12. Mitigation Measures Required to Find the Proposed Transaction in the Public Interest under Pub. Util. Code Sec. 854(c)(8).....	52
12.1. Mitigation 1: Requiring Adherence to the Current Laws for PEG Channel Management.....	52
12.2. Mitigation 2: California-Based Workforce Benefits.....	53
12.3. Mitigation 3: Customer Service and ESJ Community Notification & Improvements Reporting.....	54
12.4. Mitigation 4: Tribal Lands Service Quality Reporting.....	56
12.5. Mitigation 5: Low Income Program.....	56
12.6. Mitigation 6: Promotional and Persistent Pricing.....	57
12.7. Mitigation Measure 7: Map ESJ Communities, Create Streamlined Complaint Process for ESJ Communities including Tribes and Customers on Tribal Lands, and Require Full-Time Tribal Liaisons.....	58
12.8. Mitigation Measure 8: Economic Opportunities and ESJ Communities...	59
12.9. Mitigation Measure 9: Public Safety - Provide Battery Backup Availability and Annual Notice.....	60
12.10. Mitigation 10: New Infrastructure Deployment.....	61
13. Settlement Agreements.....	62
13.1. Joint Applicants and CETF.....	62
13.2. Joint Applicants and Cal Advocates.....	67
13.3. Standard of Review.....	69
13.4. Rule 12.1(c).....	69
13.5. Reasonable In Light of the Whole Record.....	70
13.5.1. Joint Applicants' and CETF's Position.....	70
13.5.2. Joint Applicants' and Cal Advocates' Position.....	71
13.5.3. TURN.....	71
13.5.4. Joint Advocates (Media Alliance, CADE, FCDI, EBBC, and DELA) ..	72
13.5.5. CforAT.....	72

13.5.6. Discussion	73
13.6. Consistent with the Law.....	74
13.6.1. Joint Applicants' and CETF's Positions.....	74
13.6.2. Joint Applicants' and Cal Advocates' Positions.....	74
13.6.3. TURN.....	75
13.6.4. Joint Advocates (CforAT, Media Alliance, CADE, FCDI, EBBC, and DELA).....	75
13.6.5. CforAT.....	75
13.6.6. Discussion	75
13.7. In the Public Interest	76
13.7.1. Joint Applicants' and CETF's Positions.....	76
13.7.2. Joint Applicants' and Cal Advocates' Positions.....	77
13.7.3. TURN.....	77
13.7.4. Joint Advocates (CforAT, Media Alliance, CADE, FCDI, EBBC, and DELA).....	82
13.7.5. CforAT.....	83
13.8. Discussion.....	86
14. Modifications to Settlement Agreements	88
14.1. Proposed Modifications	89
14.2. Additions to The Joint Settlement.....	92
14.3. Election to Accept the Joint Settlement	94
15. Summary of Public Comment.....	94
16. Procedural Matters	94
17. Comments on Proposed Decision	94
18. Assignment of Proceeding.....	94
Findings of Fact.....	95
Conclusions of Law	99
O R D E R	104

**DECISION GRANTING INDIRECT TRANSFER OF CONTROL
SUBJECT TO THE TERMS OF THE JOINT SETTLEMENT**

Summary

This decision grants the indirect transfer of control of Cox California Telecom, LLC (U-5684-C) to Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc., pursuant to Public Utilities Code Section 854 and the terms of The Joint Settlement.

This proceeding is closed.

1. Background

On May 16, 2025, Charter Communications, Inc. (Charter), its subsidiary Charter Holdings, LLC (Charter Holdings), and Cox Enterprises, Inc. (CEI) entered into a transaction agreement that would result in Cox Communications, Inc. (Cox) under the common ownership of Charter and CEI.¹ CEI is the parent company of Cox, the subsidiary to be acquired by Charter. Cox California Telecom, LLC (U-5684-C) (Cox California), is a subsidiary of Cox, and the named company subject to the indirect transfer of control request before the California Public Utilities Commission (Commission). Upon approval, Cox California will become a subsidiary of Charter. Charter, Charter Holdings, CEI, and Cox California are, herein, Joint Applicants.

Charter is a holding company, and through subsidiary operations, provides broadband, cable, residential, and business services, such as internet, video services, mobile wireless services, Voice over Internet Protocol (VoIP), managed cloud services, security, enterprise internet, networking products, and voice services for enterprise customers, for over 31.2 million customers.² Charter

¹ Joint Application at 1.

² *Id.* at 3-4.

has a residential footprint across 41 states, including California, and an even broader reach for its enterprise service offerings.³

CEI is a privately held, family corporation and the current ultimate parent company of Cox and its subsidiaries.⁴ Cox's subsidiaries operate fiber-optic and hybrid fiber/coaxial cable in 35 states, provide broadband service to residential, small and medium-sized business customers, residential video service, streaming video services platforms, residential and business voice service, mobile voice and data service, and enterprise broadband service across 18 states, including California.⁵

Joint Applicants claim that the transaction will bring significant public benefits to California, "arising both from its direct effects on the regulated telecommunications services offered by Cox California as well as from the broader combination of Charter and Cox into a combined company."⁶

Specifically, the Joint Application states that the transaction will, "...benefit consumers. By enabling Charter to expand its pricing and product options, as well as its business practices, throughout Cox's footprint, it will enable households, small- and medium-sized businesses, and enterprises in Cox's California service areas to take advantage of a wide range of consumer-friendly Charter service offerings and policies, including faster broadband, lower prices, more choice and value in video offerings, and higher-quality mobile service."⁷

³ *Id.* at 3-4.

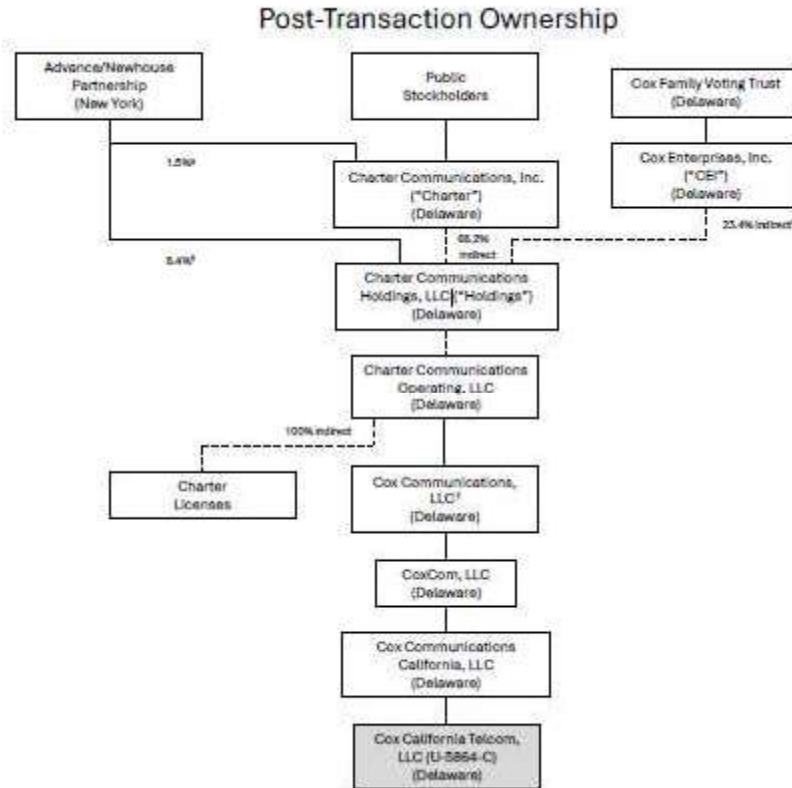
⁴ *Id.* at 5.

⁵ *Id.*

⁶ *Id.* at 1-2.

⁷ *Id.* at 2.

Charter and Charter Holdings provided organizational diagrams depicting the corporate structures post-transaction, as shown:⁸



2. Procedural Background

On July 30, 2025, Joint Applicants filed this application for an indirect transfer of control of Cox California. On September 5, 2025, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) and, jointly, The Utility Reform Network (TURN) and Center for Accessible Technology (CforAT) protested the application. On September 15, 2025, Joint Applicants filed a reply to Cal Advocates' and the joint protest of TURN and CforAT.

⁸ Charter Response to Administrative Law Judge (ALJ) Inquiry, October 24, 2025, Post-Closing Corporate Structure Charts at Attachment C-2.

On October 3, 2025, the assigned Administrative Law Judge (ALJ) held a prehearing conference to determine the parties, positions of the parties, scope and schedule of the proceeding, and other procedural matters.

To assist Joint Applicants in the task of completing their application, the assigned ALJ issued five rulings requesting the information lacking in the original submission. The rulings requesting additional information were issued on September 5, 2025, October 7, 2025, November 17, 2025, February 13, 2026, and March 18, 2026. Joint Applicants requested and received additional time to respond to the October 7 and the November 17 rulings.

The November 17, 2025, ruling required Joint Applicants to provide the Hart-Scott-Rodino (HSR) federal premerger notification that Joint Applicants filed with the Federal Trade Commission (FTC) and federal Department of Justice (DOJ) in August.⁹ The HSR provides the FTC and DOJ with information about larger mergers and acquisitions before they occur. The November 17, 2025, ruling required Joint Applicants to provide the HSR information in a format that allowed the Commission's Communications Division to review the documents in a secure format. Joint Applicants and Communications Division

⁹ See 16 CFR § 803.7(a.) The Hart-Scott-Rodino Act (HSR) established the federal premerger notification program, which provides the FTC and the DOJ with information about large mergers before they occur. The parties to certain proposed transactions must submit premerger notification to the FTC and DOJ. Premerger notification involves completing an HSR Form, with information about each company's business. This is also known as an HSR filing. The parties may not close their deal until the waiting period outlined in the HSR Act has passed, or the government has granted early termination of the waiting period. See <https://www.ftc.gov/enforcement/premerger-notification-program>

In their May 4, 2025, Motion to Modify the Deadlines to Comment on Settlements, Joint Applicants reported that their DOJ HSR clearance period expires on September 15, 2026.

members met and conferred on Joint Applicants' objections about providing the information in the requested format.¹⁰

The ALJ granted motions for party status to Media Alliance on November 3, 2025, and California Emerging Technology Fund (CETF) on November 17, 2025.

On December 9, 2025, the assigned Commissioner issued the Scoping Memo and Ruling (Scoping Ruling).

On December 23, 2025, Cal Advocates filed a motion to compel Joint Applicants to produce documents responsive to their outstanding data requests.¹¹

On December 30, 2025, Joint Applicants filed a motion requesting that the Commission amend and clarify the Scoping Ruling. Joint Applicants argued that the schedule of the proceeding should be shortened, demanding that the Commission resolve the application in advance of the 18-month statutory deadline for ratesetting proceedings.¹² Joint Applicants implied that if the Commission fails to approve the merger prior to the DOJ's HSR approval expiring, Joint Applicants would walk away from their proposed transaction.¹³

¹⁰ See, Response to ALJ's Third Ruling Directing Filing of Additional Information, December 10, 2025, after a request for an extension of time to respond was granted.

¹¹ Motion to compel production and requests a ruling ordering Charter Communications Inc. and Charter Communications Holdings, LLC, to produce documents responsive to the outstanding data requests propounded by Cal Advocates in the above-captioned matter within ten days, December 23, 2025.

¹² Pub. Util. Code § 1701.5

¹³ Charter Communications, Inc. and Charter Communications Holdings, LLC's Notice of Ex Parte Communication, December 23, 2025.

On January 9, 2026, the Cal Advocates' motion to compel was granted, requiring Joint Applicants to produce full, complete, and unredacted responses to Cal Advocates' data requests within five business days.¹⁴

On January 16, 2026, Cal Advocates requested extensions of time for some procedural events, which the ALJ denied on January 28, 2026.

On February 9, 2026, CforAT filed two motions to compel Joint Applicants to respond to their outstanding discovery requests. Both of CforAT's motions to compel outlined the lengthy process CforAT experienced in the pursuit of executing non-disclosure agreements with Joint Applicants that would have more quickly enabled the flow of discovery. Joint Applicants' delay in negotiating and executing non-disclosure agreements that Joint Applicants themselves required was unreasonably time-consuming, according to CforAT.

On February 12, 2026, TURN, CforAT, Media Alliance, and Cal Advocates filed a joint motion requesting evidentiary hearings in this proceeding.

On February 18, 2026, the assigned ALJ held a status conference meeting to discuss responses to the ALJ's Feb. 13, 2026, ruling about Joint Applicants' HSR filing deadlines. The DOJ's HSR deadline is independent of any deadline associated with the Commission's review process, which is dictated by the Public Utilities (Pub. Util.) Code.

On February 19, 2026, Joint Applicants filed separate responses in opposition to CforAT's motions to compel.

¹⁴ Parties are entitled to discovery under the Commission's Rules of Practice and Procedure Article 10: <https://www.cpuc.ca.gov/proceedings-and-rulemaking/rules-of-practice-and-procedure>.

During the month of February, the Commission held Public Participation Hearings (PPHs) both virtually and in person in Los Angeles and National City.¹⁵ Members of the public who spoke at the PPHs made clear that their support for the pending transaction stemmed from their expectation that it would result in a post-merger company eager to provide them with high quality and resilient broadband and other communications services in unserved and underserved locations across the state, with significantly reduced bills, price flexibility, and no termination fees.¹⁶ Members of the public also expressed that the post-merger company would provide network investment and broadband deployment in rural and Tribal communities, workforce training, skilled jobs, local investment tied to economic development for communities, digital literacy programs, guaranteed affordable service, and removal of 30-day waiting periods to access low-income plans.¹⁷

On March 2, 2026, the assigned ALJ issued a ruling confirming the dates of the evidentiary hearings, providing instructions for evidentiary hearings and

¹⁵ For more information about the timing and location of past public participation hearings, *see* Administrative Law Judge's Ruling Noticing Public Participation Hearings and Providing Additional Instructions, February 12, 2026. Each PPH was transcribed by court reporters and transcriptions can be found on the Docket Card.

¹⁶ *See, e.g.* Public Commenter at Public Participation Hearing, Feb. 12, 2026, supporting the merger because: 1) The companies are committed to digital education programs for tribes and to help bridge the digital divide in tribal lands with respect to infrastructure, service expansion, and service to rural areas; 2) Joint Applicants emphasized broadband deployment in underserved rural areas and provision of low pricing and service plans brought to the entire post-merger company footprint; 3) service will exclude long-term contracts and early termination fees that tribal advocates have frequently criticized; 4) Joint Applicants' workforce protections will repatriate overseas customer services roles to the United States, provide \$20-per-hour minimum wage for all employees, which supports local economic development within tribal communities; 4) Carry local and community-focused news channels on basic tiers ensuring that regional tribal voices and local news remain accessible, enhance news carriers, as part of their public interest commitments. Transcript at 103-104.

¹⁷ *See generally*, Public Participation Hearing Transcripts.

briefs, and shortening the timeline for the filing of opening and reply briefs. On March 13, 2026, the assigned ALJ granted CforAT's motions to compel discovery.

On April 17, 2026, Joint Applicants, Cal Advocates, and CETF, waived their planned cross examination.

The assigned ALJ denied Stephen Lane's motion for party status on April 6, 2026, and granted Digital Equity Los Angeles's (DELA) motion for party status on April 8, 2026.

The assigned ALJ presided over evidentiary hearings throughout the week of April 20, 2026. The assigned ALJ granted party status for California Alliance for Digital Equity (CADE), Fresno Coalition for Digital Inclusion (FCDI), The Association for Broadband Without Boundaries, and East Bay Broadband Consortium (EBBC), at the beginning of evidentiary hearings, on the record. Two motions to strike testimony filed by Joint Applicants, and a motion for an order barring testimony, filed by CforAT, were also denied on the record.¹⁸

TURN and CforAT cross examined Joint Applicants' witnesses. All last-minute requests to change the evidentiary hearing schedule were accommodated.¹⁹

On May 1, 2026, Joint Applicants and Cal Advocates filed a motion to adopt a settlement agreement. In the motion, Joint Applicants and Cal

¹⁸ Joint Applicants filed Motions to Strike portions of the testimony of Lee Selwyn and Tejas N. Narechania on April 1, 2026.

The Center for Accessible Technology and the Utility Reform Network filed a motion for an order barring Joint Applicants' testimony regarding responses to the assigned Administrative Law Judge's Fifth Ruling on April 14, 2026.

¹⁹ Evidentiary hearing transcripts can be accessed on the Commission's Docket Card: <https://apps.cpuc.ca.gov/apex/f?p=401:1:0>.

Advocates agreed that through substantial and lengthy negotiations, they were able to reach agreement on all issues raised by Cal Advocates.²⁰

Also on May 1, 2026, Joint Applicants and CETF filed a motion to adopt a separate settlement agreement. In the motion, Joint Applicants and CETF indicate that the memorandum of understanding (MOU) developed, “between the parties is the product of substantial and lengthy negotiations, through which the Settling Parties were able to reach an agreement, and reflects the resolution of all concerns raised by CETF in this Proceeding.”²¹

On May 4, 2026, Joint Applicants filed a motion requesting modification to the deadline to submit comments on the settlement agreements. On May 7, 2026, TURN and CforAT filed a joint response to the motion requesting modification to settlement comment deadlines. On May 8, 2026, Media Alliance filed an opposition to the motion requesting modification to settlement comment deadlines.

The assigned ALJ denied Stephen Lane’s motion for limited party status on May 14, 2026.

On May 22, 2026, opening briefs were filed by Cal Advocates; CETF; the Joint Advocates (CforAT, CADE, DELA, EBBC, and FCDI); Joint Applicants; Media Alliance; and TURN.

On June 1, 2026, CforAT; the Joint Advocates (CADE, EBBC, FCDI, and Media Alliance); and TURN filed comments on the two individual party settlement agreements.

²⁰ Joint Motion for Adoption of Settlement Agreement, May 1, 2026, at 1.

²¹ Joint Motion for Adoption of Settlement Agreement, May 1, 2026, at 1.

The assigned ALJ granted the National Institute for Workers' Rights motion for party status on June 4, 2026

On June 5, 2026, reply briefs were filed by CETF; the Joint Advocates (CforAT, CADE, DELA, EBBC, FCDI, and Media Alliance); Joint Applicants; and TURN.

On June 5, 2026, The Association for Broadband Without Boundaries moved to withdraw as a party to the proceeding.

On June 9, 2026, CforAT filed a motion to strike portions of Joint Applicants' opening and reply briefs, the entirety of CETF's opening and reply briefs, and entirety of Cal Advocates' opening brief.

On June 16, 2026, parties filed reply comments on the settlement agreements.

On June 17, 2026, Joint Applicants filed a motion to strike portions of the Joint Advocates' and Media Alliance's opening briefs, and the Joint Advocates' reply brief.

On June 19, 2026, Joint Applicants filed a response to CforAT's motion to strike.

On June 22, 2026, Media Alliance filed a response to Joint Applicants' motion to strike.

On June 24, 2026, Cal Advocates filed a response to CforAT's motion to strike the entirety of Cal Advocates' opening brief.

Neither the assigned Commissioner nor the assigned ALJ ruled on CforAT's and Joint Applicants' motions to strike.

3. Submission Date

This matter was submitted on June 24, 2026, upon Cal Advocates' filing of their response to CforAT's motion to strike the entirety of Cal Advocates' opening brief.

4. Jurisdiction

The Commission has authority to review transfers of control for telephone corporations pursuant to Pub. Util. Code Section 854. Specifically, Pub. Util. Code Section 854 prohibits a corporation, whether organized under the laws of this state or not, from indirectly merging, acquiring, or controlling, any public utility doing business in California without first securing authorization from the Commission. Cox California is a telephone corporation and public utility under the regulatory jurisdiction of the Commission.²² Because the transaction agreement would result in the indirect transfer of Cox California, as a subsidiary of Cox, to the common ownership of Charter and CEI, the Commission has jurisdiction to review Joint Applicants' application.

5. Issues Before the Commission

The issues to be determined or otherwise considered are:

1. Whether the application meets the requirements of Pub. Util. Code Section 854.
2. Whether granting the application impacts environmental and social justice (ESJ) communities, including the extent to which the transfer may impact the achievement of any of the nine goals of the Commission's ESJ Action Plan.
3. Whether granting the application impacts public safety.

²² See, e.g., D.96-09-074 (granting Cox California a certificate of public convenience and necessity to operate as a competitive local carrier in California and assigning Cox California a corporate identification number of U-5864-C).

6. Public Expectations of the Post-Merger Company

During the month of February 2026, the Commission held PPHs both virtually and in person in Los Angeles and National City.²³ The Commission has also received 749 comments on the Public Comments tab of the proceeding's Docket Card. The Commission thanks the members of the public who participated in the PPHs and left comments sharing their expected outcomes of this proceeding with the Commission.

Members of the public who spoke at the PPHs made clear that their support for the pending transaction stemmed from their expectations that the post-merger company will provide significant public benefits throughout California. The expected public benefits include customer bill reductions by thousands or hundreds of dollars every year;²⁴ reimbursement for service

²³ For more information about the timing and location of past public participation hearings, *see* Administrative Law Judge's Ruling Noticing Public Participation Hearings and Providing Additional Instructions, February 12, 2026.

Each PPH was transcribed by court reporters and transcriptions are available for review.

²⁴ *See*, Melanie Burkholder, Councilmember of the City of Carlsbad at 321:9-10; Erik Bruvold, CEO of the San Diego North Economic Development Council and Economic Development Organization working in the northern third of San Diego County at 335:3-4; John McCann, Mayor of the City of Chula Vista at 203:14-15; Zakhar Polovyi, representing the Office of Supervisor Joel Anderson, El Cajon, California at 208: 5-6; Chris Cate, President and CEO for the San Diego Regional Chamber of Commerce at 211:9-10; Marcy Weaver, President and CEO of the Chula Vista Chamber of Commerce at 233:14-15; Tony Hoang, Executive Director for Equality California at 129:20-21; Chris Wilson, Director of Public Policy at the Los Angeles County Business Federation at 182: 22; Eric Walker, Director of Economic Advancement with the YWCA Greater Los Angeles at 305:8-9; Erik Bruvold, CEO of the San Diego North Economic Development Council and Economic Development Organization at 334:3-6; Andy Conli, President of CEO of West Ventura Business Alliance and Chamber of Commerce for the cities of Camarillo, Oxnard, and Port Hueneme at 354:4-8; Lucy Ku, for Former Assembly Member Evan Low of the 26th Assembly District at 357:1, 7-8; Patrick Messick, East Bay Broadband Consortium, at 359 ln 4; Chris Wilson, Director of Public Policy at Los Angeles County Business Federation at 82:21-22.

outages;²⁵ and access for unserved and underserved communities to high-quality, affordable internet, “to unlock transformative educational, health, and economic potential not yet seen by these unserved and underserved communities.”²⁶

Public commenters at the PPHs also voiced demands to the Commission. For example, speakers demanded that the Commission require that the post-merger company connect unserved and underserved communities to high quality, affordable internet services to ensure that the post-merger company provided the expected transformative effect on communities across California.²⁷ Speakers asked the Commission to ensure that the post-merger company would adhere to the state’s expectations that it would provide nondiscriminatory pricing and access to its network upon request by wholesale customers.²⁸

Finally, public commenters at the PPHs shared information with the Commission. Public commenters stated that under current rules, customers had to drop their internet access plan for 30 days in order to become eligible to apply for a low-income or income-qualified plan.²⁹ They indicated that current Public,

²⁵ See, e.g., Steve Sanchez, Riverside County Councilman at 288:5; Taylor Brown, for State Senator Megan Dahle at 297:14; Nicholas Adcock, President and CEO of the Greater Riverside Chambers of Commerce at 415:20.

²⁶ See, e.g., Erik Bruvold, CEO of the San Diego North Economic Development Council and Economic Development Organization at 335:14-15.

²⁷ Luis Rivera, Social Equity Los Angeles, at 308:17-18; Eric Reyes, Los Amigos de la Comunidad, Brawley in Imperial Valley at 323-24:25-7; Ulysses Zatarain, Executive Director of Tech Exchange, Bay Area at 347-48:22-1; David Manzo, Principal at Gage Middle School, Riverside United School District at 369-370:24-1.

²⁸ See, D.20-07-010, July 16, 2020, where the company offers its services on a non-discriminatory basis and at competitive rates through individual case basis contracts.

²⁹ Luis Rivera, Social Equity Los Angeles at 308-09:25-5; Eric Reyes, Los Amigos de la Comunidad, Brawley in Imperial Valley at 324:13-17; Ulysses Zatarain, Executive Director of

Footnote continued on next page.

Educational, and Government Access (PEG) channels receive substandard treatment that does not meet the terms of the Pub. Util. Code or needs of modern society.³⁰ And they described how Joint Applicants positively embedded themselves into local communities and spent significant amounts of funds on programs that directly benefited community members and community organizations.

The Commission also received 749 comments on the Docket Card for this proceeding. Like the speakers at the PPHs, many commenters support the transaction's promise of affordable and reliable internet at lower monthly costs with better service quality and internet access plans that fit low-income community members' budgets. Commenters also expect that the post-merger company will bring high-speed internet to rural communities that currently lack infrastructure or service. Along with better, faster, and affordable broadband service, commenters wrote that they expected that the post-merger company will provide more flexible and transparent pricing and options, including streaming services and positive community partnerships. Commenters expect service reliability improvements, including same-day dispatch and outage credits. Commenters support the transaction because the post-merger company promises to provide digital literacy training, computer refurbishment, and support for low-income families. Commenters expect job creation, apprenticeship opportunities, and scholarships.

Tech Exchange, Bay Area at 8:4-8; David Manzo, Principal at Gage Middle School, Riverside United School District at 369-370:5-9.

³⁰ Bobby Ferguson, Chief Production Officer at Pasadena Media at 306-307; George Falardeau, Executive Director and CEO of Pasadena Media at 121-24.

Comments also recommended that the Commission impose conditions to improve employee treatment by the post-merger company, return jobs to California, and increase employee benefits, such as wages and training opportunities. Commenters also requested that the post-merger company grant PEG access, including to high definition (HD) channels, PEG availability across platforms, and inclusion in program information guides.

Comments in opposition to the transaction voiced concerns about anti-competitive market concentration, privacy, higher prices, poor service quality due to company size, layoffs of workers, outsourcing of California's workforce, elimination of remote-work opportunities, and lack of oversight.

The Commission evaluates the application under the law and the record, including the expectations expressed by the public.

7. Application of Section 854(a)-(c)

Based on the analysis below, we consider Pub. Util. Code Section 854(a)-(c) when assessing whether to grant the application.

7.1. Background

Section 854(a) states that:

A corporation, whether or not organized under the laws of California, shall not directly or indirectly merge, acquire, or control ... any public utility organized and doing business in California without first securing authorization to do so from the commission. The commission may establish, by order or rule, the definitions of what constitutes a merger, acquisition, or control activity that is subject to this section.

No party has argued that Joint Applicants have undertaken the proposed transaction without prior authorization, and we agree with this assessment. Rather, the parties dispute whether the Commission should review the application under Pub. Util. Code Section 854(a) alone, or whether the

Commission should also analyze the application under sub-parts (b) and (c) of Pub. Util. Code Section 854.

Section 854(b) states, in relevant part, that

Before authorizing the merger, acquisition, or control of any electrical, gas or telephone corporation organized and doing business in this state, if any utility that is a part to the proposed transaction has gross annual California revenues exceeding \$500 million, the Commission shall find that the proposal does all of the following:

- (1) Provide short-term and long-term economic benefits to ratepayers....
- (2) Not adversely affect competition. In making this finding, the commission shall request an advisory opinion from the Attorney General regarding whether competition will be adversely affected and what mitigation measures could be adopted to avoid this result.

With respect to Section 854(b)(3), the Commission sought and received such an advisory opinion. The Attorney General declined to provide a formal opinion.

Section 854(c) states:

Before authorizing the merger, acquisition, or control of any electrical, gas, or telephone corporation organized and doing business in this state, if any entity that is a party to the proposed transaction has gross annual California revenues exceeding five hundred million dollars (\$500,000,000), the commission shall consider each of the criteria listed in paragraphs (1) to (8) inclusive, and find, on balance, that the merger, acquisition, or control proposal is in the public interest.

- (1) Maintain or improve the financial condition of the resulting public utility doing business in the state.
- (2) Maintain or improve the quality of service to public utility ratepayers in the state.

- (3) Maintain or improve the quality of management of the resulting public utility doing business in the state.
- (4) Be fair and reasonable to affected public utility employees, including both union and nonunion employees.
- (5) Be fair and reasonable to the majority of all affected public utility shareholders.
- (6) Be beneficial on an overall basis to state and local economies and to the communities in the area served by the resulting public utility.
- (7) Preserve the jurisdiction of the commission and the capacity of the commission to effectively regulate and audit public utility operations in the state.
- (8) Provide mitigation measures to prevent significant adverse consequences that may result.

The purpose of this and related code sections is to enable the Commission, before any transfer of public utility authority is consummated, to review the proposal and to take such action, as a condition of the transfer, as the public interest may require.³¹ The Commission has broad discretion under Pub Util. Code Section 854 to approve or reject an application.

7.2. Joint Applicants' Position

Joint Applicants assert that Pub. Util. Code Section 854(b) and (c) do not apply to the transfer because the transaction is taking place at the holding company level and the only utility impacted by the transfer is Cox California.³² According to Joint Applicants, Cox California has gross annual revenues below the \$500 million threshold making Section 854(b) inapplicable. Similarly, Joint Applicants state that Section 854(c) is inapplicable because Joint Applicants that are parties to the proposed transaction — Charter, Charter Holdings, and CEI —

³¹ See *San Jose Water Co.* (1916) 10 CRC 56.

³² Joint Application at 12-13.

are holding companies that do not generate California revenue and, even if they did, the Commission has significant flexibility to review the application without applying Section 854(c).³³

Additionally, Joint Applicants provide information about the benefits that stem from the overall transaction to provide the Commission with as much information as possible, rather than to use the information to determine whether the transaction is in the public interest.³⁴

7.3. Cal Advocates

Cal Advocates argues that Pub. Util. Code Section 854(b) and (c) should apply.³⁵ Regarding Section 854(b), Cal Advocates recommends that the Commission evaluate Cox California's revenue, as well as Cox 's revenue, because excluding one of the largest broadband and video services providers in the state "would be illogical," because Joint Applicants discuss the benefits of the transaction associated with both broadband and video.³⁶ Additionally, Cal Advocates argues that the Commission must ensure that the public interest benefits of the Joint Application are properly vetted and ensured, even when a merger is structured at the holding company level. The alternative would render Section 854 meaningless because mergers would then always take place at the holding company level, rather than at the utility level, simply to evade a public impact evaluation.³⁷

³³ *Id.* at 13.

³⁴ PHC Transcript at 23:3-19.

³⁵ PHC Transcript at 18:15-17.

³⁶ *Id.* at 18:3-11.

³⁷ *Id.* at 24-25:23-5.

Regarding Section 854(c), Cal Advocates put forward legal authority supporting the argument that Section 854(c) is applicable even if the holding companies at the top of the transaction do not collect California revenue.³⁸

7.4. CETF

CETF asserts that the appropriate standard of review for this transfer of control is Pub. Util. Code Section 854(a).³⁹ Throughout the proceeding, CETF advocated for a robust public interest analysis under Pub. Util. Code 854, with a requirement that the Commission find that the post-merger company provide appropriate, fair, and comparable benefits, as required in other telecommunications transfers of control. CEFT urges the Commission to determine whether the resulting transaction affirmatively produced measurable, verifiable, and enforceable public benefits for customers.⁴⁰

7.5. TURN

TURN acknowledges that the Commission has broad authority to examine transactions under Pub. Util. Code Section 854(a) alone.⁴¹ However, TURN also argues that the Commission should give no weight to the conclusion that only Pub. Util. Code Section 854(a) applies.⁴² To TURN, because the transaction is subject to Section 854(a)-(c), as well as other scoped issues, the Commission should balance the output of the review across the subjects to determine if it meets the standard.

³⁸ *Id.* at 16-17.

³⁹ Opening Brief of California Emerging Technology Fund at 6.

⁴⁰ *Id.*

⁴¹ Opening Brief of the Utility Reform Network at 4.

⁴² *Id.* at 3-4.

7.6. CforAT

CforAT states that the Commission looking at an application through the 854(a)-(c) factors does not equate to the Commission's ability to impose conditions related to every topic under that examination.⁴³ The Commission has considered the impact on broadband associated with mergers previously, when applicants have indicated that broadband benefits flow from the transaction. Additionally, the Commission has authority to consider the impacts on broadband and video competition.

CforAT urges the Commission to consider the revenues of Cox's affiliates when determining whether to apply Section 854(b) and (c).⁴⁴ According to CforAT, "it is entirely possible that Cox alone has annual revenue exceeding \$500 million in California."⁴⁵ According to CforAT, Cox, not Cox California, could meet the revenue threshold and permit the application of Section 854(b) and (c).⁴⁶

7.7. Discussion

We find that it is appropriate to consider all of the various factors in Pub. Util. Code Section 854(a)-(c) when reviewing the application. Pursuant to the prehearing conference discussion, the broad language of the Scoping Ruling, and parties' testimony and briefs, parties have had notice that we may consider Section 854(b) and (c), as well as (a). Moreover, we have the authority to consider Section (b) and (c).

⁴³ PHC Transcript at 24:5-10.

⁴⁴ Opening Brief of Joint Advocates at 7.

⁴⁵ Opening Brief of Joint Advocates at 7.

⁴⁶ Reply Brief of Joint Applicants at n.70.: Joint Applicants attempt to rebut Joint Advocates by stating that evidence submitted by Cox showed that Cox California does not meet the revenue threshold. This misses the point – that Cox, not Cox California, meets the revenue threshold.

In Decision (D.) 97-03-067, the Commission found that, “[a] broader, rather than technically narrow interpretation of § 854(b) is consistent with § 854(e) since § 854(e) places the burden of proving compliance with § 854(b) on the person or corporation seeking acquisition or control of the public utility, not solely on the utility.”⁴⁷ The Commission has consistently operated under the presumption, that where a non-utility, non-party is a “key to the merger” and involved in many of the economic benefits in an application, the party’s revenues can be considered under Section 854(b).⁴⁸ Here, that presumption applies to Cox’s revenues, which exceed \$500 million in California annually.⁴⁹

Similarly, Section 854(c) would apply because the entities that are party to the proposed transaction – Charter, Charter Holdings, CEL, and Cox – have gross annual California revenues exceeding \$500 million.⁵⁰

Joint Applicants’ position in this proceeding further persuades us to consider all of the factors listed under Pub. Util. Code Section 854(a)-(c). Specifically, and as addressed more fully below, Joint Applicants espouse benefits to California customers that are derived from all parts of the post-merger company – benefits that will accrue equally to the customers of Cox California and all current and future customers of Joint Applicants.

Joint Applicants also describe how a post-merger company could provide benefits broadly across its entire footprint. Where Joint Applicants elevate the benefits that will be available to their future customers that come from all areas

⁴⁷ D.97-03-067 at 13.

⁴⁸ *Id.* at 12.

⁴⁹ Response to ALJ Inquiry, September 15, 2025, at Attachment 1. Opening Brief of Joint Advocates at 7.

⁵⁰ Response to ALJ Inquiry, September 15, 2025.

of post-merger company, it is prudent to consider whether the Joint Application meets the factors provided in Pub. Util. Code Section 854(b).

The public has also expressed the expectation that this transaction will enable benefits beyond what Cox California could, by itself, provide. For this reason, we find that there is a public interest in considering all factors described by Pub. Util. Code Section 854(c).

As we consider the Joint Application broadly under Pub. Util. Code Section 854(a)-(c), we find that it lacks the necessary measurable, verifiable, and enforceable commitments to the public benefits needed to ensure that the transaction satisfies the requirements of Pub. Util. Code Section 854. To approve the Joint Application, mitigation measures are necessary to consider and review under Section 854(c)(8).

8. Section 854(a) Requirements

First, we consider whether the application satisfies the requirements of Pub. Util. Code Section 854(a).

8.1. Joint Applicants' Position

Joint Applicants assert that a transfer of control satisfies Pub. Util. Code Section 854(a) if, on balance, it is not, "adverse to the public interest."⁵¹ Joint Applicants additionally note that when the Commission has previously approved transfers of control, the Commission has reasoned that Pub. Util. Code Section 854(a) transactions, "should be approved absent a compelling reason to the contrary."⁵²

Joint Applicants assert that the transfer satisfies any public interest standard under Pub. Util. Code Section 854 because the record demonstrates that

⁵¹ Joint Applicants' Post Hearing Opening Brief at 7.

⁵² *Id.* at 7.

the transfer, considered with the individual party settlement agreement commitments made to Cal Advocates and CETF, produces public interest benefits without transaction-specific harms.⁵³ Joint Applicants' settlement agreements with CETF and Cal Advocates are discussed further, below.

8.2. Cal Advocates

Cal Advocates asserts that their individual party settlement agreement with Joint Applicants satisfies the public interest requirements of Pub. Util. Code Section 854(a).⁵⁴ The settlement agreement between Joint Applicants and Cal Advocates is considered in more detail below.

8.3. CETF

CETF indicates that only by approving the individual party settlement agreement between Joint Applicants and CETF will the transaction include the enforceable commitments necessary to find the transaction in the public interest. The agreement between Joint Applicants and CETF is considered in more detail below.

8.4. TURN

According to TURN, the application does not meet the requirements of Pub. Util. Code Section 854(a). TURN argues that the Commission should reject the proposed transaction for failing to meet the standard of Pub. Util. Code Section 854, or alternatively, recommends that the Commission adopt conditions and mitigation measures if it does approve the proposed transaction.⁵⁵

⁵³ *Id.* at 9.

⁵⁴ Opening Brief of the Public Advocates Office at 11.

⁵⁵ Opening Brief of TURN at 5.

8.5. Joint Advocates (CforAT, CADE, DELA, EBBC, FCDI)

The Joint Advocates indicate that the application fails to meet the standard of Pub. Util. Code Section 854(a) because it fails to address the fact that any potential harms from the proposed transaction will disproportionately impact people with disabilities, people of color, and low-income households.⁵⁶ Additionally, the Joint Advocates assert that the application fails to demonstrate how transaction benefits will flow directly to, “historically underserved customers, or, for that matter, any customers.”⁵⁷ Finally, the Joint Advocates voice concern that the post-merger company is sacrificing their, “long-claimed commitments to diversity, equity, and inclusion on the altar of profit.”⁵⁸

The Joint Advocates describe the application as one that makes broad, unsubstantiated claims that improperly shift the burden of proof from Joint Applicants to intervenors.⁵⁹ Where Joint Applicants assert that there is a lack of a direct response to a point, the Joint Advocates state that the Commission should assume that parties remain in dispute over the point rather than in agreement. The Joint Advocates encourage the Commission to deny the application.⁶⁰

8.6. Discussion

As stated above, no party argued that Joint Applicants have undertaken the proposed transaction without prior authorization in violation of Pub. Util.

⁵⁶ Opening Brief of Center for Accessible Technology, California Alliance for Digital Equity, Digital Equity Los Angeles, East Bay Broadband Consortium, and Fresno Coalition for Digital Inclusion (Joint Party Brief) at 13.

⁵⁷ *Id.*

⁵⁸ *Id.* at 48.

⁵⁹ *Id.* at 12.

⁶⁰ *Id.* at 48.

Code Section 854(a), and we do not disagree. This analysis alone does not provide the Commission with enough information to determine whether the Joint Application, if granted, would provide the balance of public benefits necessary to be in the public interest. To more fully assess the impact of the Joint Application and its public benefits, the Commission must consider additional information.

9. Section 854(b) Requirements

Next, we consider whether the application satisfies the elements of Pub. Util. Code Section 854(b).

9.1. Joint Applicants' Position

While Joint Applicants argue that Pub. Util. Code Section 854(b) does not apply to this transfer, Joint Applicants also assert that the transaction would nevertheless satisfy the requirement. Specifically, Joint Applicants argue that the record shows that the transaction will “[p]rovide short-term and long-term economic benefits” to customers and shareholders and will “[n]ot adversely affect competition” as required by Section 854(b).⁶¹

With regards to short-term and long-term benefits required by Section 854(b)(1), Joint Applicants indicate that customers in the current Cox territory will gain access to the advanced telecommunications services provided by the post-merger company.⁶² Specifically, Joint Applicants assert that the post-merger company will be incentivized to provide broadband-based benefits to customers, including faster broadband and tailored customer enterprise equipment, and will improve mobile service options for customers across its footprint.⁶³

⁶¹ Joint Applicants’ Post Hearing Opening Brief at 8.

⁶² *Id.* at 30.

⁶³ Joint Application at 29.

With regards to pricing, Joint Applicants offer their witness' testimony that the post-merger company's "efficiency-related cost-savings will incentivize more competitive pricing across products and service offerings as 'a profit-maximizing firm is incentivized' to 'pass through lower marginal costs in the form of lower prices or higher quality because doing so increases profit.'" ⁶⁴

Joint Applicants offer that the post-merger, larger, company will be more able to compete with rivals companies that serve across the nation, thus promoting better competition in the commercial enterprise marketplace.⁶⁵ Joint Applicants, together, will be able to offer their enterprise services at lower prices when they will no longer have to bill for a subcontracting firm and again for the firm holding the customer relationship, resulting in lower prices.⁶⁶

Joint Applicants also highlight the post-merger company's ability to promote video competition and consumer choice because customers will have access to innovative and competitive video.⁶⁷

Joint Applicants assert that Charter and Cox do not compete because of their non-overlapping footprint and when the two companies merge, there will be no material reduction in customer options.⁶⁸

Joint Applicants' settlement positions will be considered below.

9.2. Cal Advocates

Cal Advocates does not contend that the Joint Application meets Section 854(b)(1)'s requirements, which necessitates that the transaction provides short-

⁶⁴ Joint Applicants' Post-Hearing Opening Brief at 24.

⁶⁵ Opening Brief of Joint Applicants at 19-20.

⁶⁶ *Id.* at 20.

⁶⁷ Joint Application at 29.

⁶⁸ Opening Brief of Joint Applicants at 26-27.

term and long-term economic benefits to customers. Cal Advocates' analysis indicates that broadband providers generally charge higher promotional prices in less competitive areas, such as locations with no or only one gigabit-capable broadband provider.⁶⁹ The Joint Application does not resolve the problematic promotional pricing practices.

In competitive areas, promotional prices were generally approximately \$15 to \$40 lower than prices in less competitive areas. The proposed transaction would expand Charter's footprint in locations where it would be the sole gigabit-capable provider available to consumers.⁷⁰ The post-merger company would provide more than 2.6 million locations in California as the only gigabit-capable provider. The post-merger company, therefore, would face weaker competitive pricing pressures in the areas without gigabit-capable broadband service competition.⁷¹

To meet the standard in Section 854(b), Cal Advocates states that the Commission must adopt the Joint Applicant/ Cal Advocates settlement agreement. Cal Advocates indicates that only by instituting the terms of their agreement will the transaction provide short-term and long-term economic benefits to customers, as required by Section 854(b)(1).⁷²

The agreement between Cal Advocates and Joint Applicants, as noted above, will be discussed in detail below.

⁶⁹ Opening Brief of the Public Advocates Office at 14.

⁷⁰ *Id.* at 8-9.

⁷¹ *Id.* at 8-9.

⁷² *Id.* at 13.

9.3. CETF

CETF states that the application does not meet the standard of Pub. Util. Code Section 854(b). CETF argues that absent the terms of their individual party settlement agreement with Joint Applicants, the application lacks sufficient public benefits or enforceable conditions to warrant approval.⁷³ Specifically, according to CETF, the Joint Application lacks commitments to upgrade service in unserved and underserved locations; lacks a rural and remote community focus; lacks focus on Tribal areas, high-poverty urban neighborhoods, and publicly subsidized housing; and contains no timely infrastructure deployment commitments or local stakeholder collaboration.⁷⁴ CETF notes that there was no commitment to modify a corporate culture that upsold services to low-income households, among other issues.⁷⁵

CETF states that the application “merely assert[ed] generalized synergies or efficiencies,” and therefore “failed the Section 854 standard because it lacked measurable consumer public benefits on critical aspects, such as infrastructure deployment, doing their part to provide or fund Digital Inclusion and broadband adoption programs, and providing affordable rate plans that are accessible to consumers who call into to the Spectrum Call Center.”⁷⁶

CETF requests that the Commission approve the transaction only if its individual party settlement agreement with Joint Applicants is adopted.⁷⁷ The

⁷³ Opening Brief of California Emerging Technology Fund at i.

⁷⁴ *Id.* at 2.

⁷⁵ *Id.* at 2-3.

⁷⁶ *Id.* at 6-7.

⁷⁷ Reply Brief of California Emerging Technology Fund at ii.

agreement between CETF and Joint Applicants, as noted above, will be discussed in detail below.

9.4. TURN

TURN argues that the Commission ought to deny the proposed transaction under Pub. Util. Code Section 854(b).

In consideration of Pub. Util Code Section 854(b)(1), TURN argues that absent mitigation measures, the application fails to provide the short-term and long-term benefits it claims because there is no concrete way to determine how providing greater customer choice and potential savings will translate into actual savings on customer bills. According to TURN, Joint Applicants' own witness reiterated that there were no commitments made in the application, rather the transaction itself would create incentives for the post- merger company to take action.⁷⁸ TURN asserts that Joint Applicants have failed to demonstrate how a large, minimally regulated, post-merger company will meet the expectations of its customers and the code section and lower customer bills.

In consideration of Section 854(b)(3), TURN argues that:

Consolidation among the very largest service providers (such as Verizon/Frontier, AT&T/Lumen, and Charter/Cox, in this case) adds to their dominant market position and adversely impacts competition in the broadband internet market. This adverse impact on competition warrants mitigation from either the Joint Applicants (in the form of commitments on promotional and persistent pricing, and commitments to expand facilities and services in ESJ communities and other areas) or the Commission conditioning of approval of the transaction (such as addressing pricing, network/service

⁷⁸ Opening Brief of TURN at 12.

expansion, and the impact on ESJ communities). Joint Applicants have not met their burden of proof on this issue.⁷⁹

According to TURN, the application does not contain specific, concrete, and measurable commitments in these areas to determine that the transaction on its face will not adversely impact competition.⁸⁰

Even if the transaction does not negatively impact competition in California as the evidence in this proceeding indicates, TURN reiterates that, “The Commission cannot assume that competition will cause the flow through of benefits to consumers.”⁸¹

TURN argues that the application on its face does not meet the requirements of Pub. Util. Code Section 854(b) unless the Commission crafts mitigation measures to implement measurable, reportable, and enforceable public benefits.

9.5. Joint Advocates (CforAT, CADE, DELA, EBBC, FCDI)

The Joint Advocates assert that the application alone would not meet the standard of Pub. Util. Code Section 854(b).

With respect to Section 854(b)(1)’s short-term and long-term economic benefits, the Joint Advocates state that Joint Applicants concede that a post-merger company will create incentives for the company to take action to deliver better value at lower prices to consumers in the short- and long-term. The application, however, makes no commitment that the post-merger company will ensure that its customers receive better service and pay lower prices for it.⁸²

⁷⁹ *Id.* 24-25.

⁸⁰ *Id.* at 25

⁸¹ Reply Brief of TURN at 20.

⁸² Joint Advocates Reply Brief at 12.

At evidentiary hearings, numerous witnesses testified, over the objection of counsel, that the Joint Applicants made no commitments with respect to pricing, participating in low-income programs, or magnitude of investment.⁸³

With respect to Section 854(b)(3)'s requirement that the transaction not adversely impact competition, the Joint Advocates argue that Joint Applicants have not met their burden of proof. The Joint Advocates highlight an admission by Joint Applicants in their opening brief that business customers that require enterprise service in Charter or Cox service territories can decide to buy services from one company or the other, "an indication of textbook competition."⁸⁴ This shows that Joint Applicants compete in the same product market even where service territories do not overlap. The Joint Advocates claim that the merger, then, will reduce this competition when the two companies become one and the choice between companies no longer exists. This argument colors other arguments about this merger's impact on competition in a post transaction landscape where there will no longer be competition between the two currently existing companies.⁸⁵

9.6. Discussion

To meet the requirements of Pub. Util. Code Section 854(b)(1), short-term and long-term economic benefits, Joint Applicants could have demonstrated that the transaction provides customer benefits like improved pricing, participation in low-income programs, and the magnitude of any investment commitment, with measurable, reportable commitments. However, the application and Joint

⁸³ Evidentiary Hearings Transcript at 541 ln 1-4; 526 ln15-16; 534 ln 5-6; 823 ln 25 -824 ln 3.

⁸⁴ Joint Advocates Reply Brief at 17.

⁸⁵ *Id.* at 17-18.

Applicants' testimony and briefs are vague as to measurable, verifiable, and enforceable commitments.

For example, with respect to short-term and long-term economic benefits, Joint Applicants present no plan to transition low-income customers to better-value services or options.⁸⁶ Rather, the post-merger company will encourage customers to voluntarily choose a better value plan using a range of customer communications channels, including direct mail, email, and billing statement notices. This proposal is too vague to meet Pub. Util. Code Section 854(b)(1).

With respect to competition, Joint Applicants indicate that the post-merger company will be able to offer more competitive prices when it, "challenges often-larger rivals."⁸⁷ This statement illustrates the repeated concerns of intervening parties that simply being able to offer more competitive prices is not a commitment to, in fact, offer customers more competitive or lower prices. Moreover, Joint Applicants do not propose an enforcement mechanism if prices offered are not more competitive or lower.

CforAT highlights that almost all terms of the merger and proposed benefits are marred by illusory language, with statements such as "the company will be able to reduce service delivery costs," rather than "the company will reduce service delivery costs."⁸⁸ At the PPHs, in comments on the Docket Card, and throughout the proceeding, the public has consistently offered their support of this transaction because of their expressed belief that the post-merger company will, in fact, offer customers lower prices for better service and save

⁸⁶ Exh. 135 (Confidential Response to Cal Advocates Data Request 06 at 9). Exh. 136 (Response to Cal Advocates Data Request 04 at 8).

⁸⁷ Joint Applicants' Post Hearing Opening Brief at 9.

⁸⁸ Joint Application at 19.

them money. For this reason, the record contains an express public interest in durable, measurable, verifiable, and enforceable commitments. The Commission cannot find that Pub. Util. Code Section 854(b) is satisfied until assured that the benefits will materialize.

In addition, Joint Applicants fail to meet the burden of proof that the transaction would comply with Pub. Util. Code Section 854(b)(3) — no adverse impact on competition.⁸⁹ The post-merger company will be significantly larger than its next largest competitor in a multitude of communication services markets. Moreover, broadband is location specific. Broadband service providers can only compete in areas where they have built out broadband infrastructure. The application states that, “100% of [Joint Applicant] overlap[ping] locations are served by at least one other broadband competitor.” As a result, when the two companies become a single company, Joint Applicants explain that competition will still exist in areas where they currently overlap.

At the same time, however, Joint Applicants indicate that there is virtually no overlap between the merging companies’ residential and small/medium services for broadband, video, and plain-old-telephone, or voice services.⁹⁰ Broadband service is limited by the requirement to deploy facilities to the customer’s location. Based upon information in the most recent version of the Federal Communications Commission’s (FCC) National Broadband Map, Joint Applicants’ footprint for mass-market broadband services in California overlap in only 0.4% of the total locations serviceable by both companies.⁹¹ This is all to

⁸⁹ See, *Highly Confidential Section of* TURN Opening Brief at 27 quoting Exh. 107 (Supplemental Testimony of David Brevitz (Charter HCI)) at 5:16-7:8.

⁹⁰ Joint Application at 32.

⁹¹ *Id.* at 32 fn79.

say that the post-merger company does not challenge or change the historical trend of broadband providers served unique geographic territories so as to maintain competitive advantage there.

The market power of the post-merger company, as well as specific concerns about competition for broadband services, persuade us to agree with TURN and other intervenors that the transaction does not satisfy Pub. Util. Code Section 854(b)(3) without mitigation measures.

The Commission will consider mitigation measures and two individual party settlement agreements below.

10. Section 854(c) Requirements

Next, we consider whether the application satisfies the elements of Pub. Util. Code Section 854(c).

10.1. Joint Applicants' Position

While Joint Applicants maintain that this transaction does not require the application of Section 854(c), they nonetheless argue it satisfies Section 854(c)'s requirements and request approval of the transfer under any Section 854 subparts that the Commission applies to its review of the application.⁹²

Under Section 854(c)(1), Joint Applicants claim that the transaction will strengthen the post-merger company's position as, "an investor and innovator in broadband, mobile, video, voice, and enterprise services, delivering better options and more competitive pricing across the range of products offered to California consumers and businesses."⁹³

Under Section 854(c)(2), Joint Applicants indicate that the transaction will provide additional scale and create synergies and operating efficiencies that will

⁹² Joint Applicants' Post-Hearing Opening Brief at 7.

⁹³ Joint Application at 15.

lead to lower costs and greater benefits across Charter's products and services, including voice, enterprise, broadband, mobile, and video, and increased public safety benefits and resiliency to serve the post-merger company's customers.⁹⁴

Joint Applicants indicate that the transaction will accelerate investment and upgrades to its network, "leverage economies of scale to make more efficient network upgrade investments and overcome technical limitations and higher costs."⁹⁵

Although Joint Applicants argue that Section 854(c)(3) does not apply, they nevertheless assert that the post-merger management team has decades of experience and in-depth knowledge of the intricacies of communications, broadband, multichannel video programming distribution, and enterprise businesses.⁹⁶

Under Section 854(c)(4), Joint Applicants raise their workforce investments, including training and benefits, and US-based employment commitment.⁹⁷

Under Section 854(c)(5), Joint Applicants indicate that this factor is not relevant because Cox California is a wholly owned subsidiary of a privately held, family-owned company, but that Joint Applicants' boards of directors have concluded that the transaction is in the best interest of shareholders.⁹⁸

Under Section 854(c)(6), Joint Applicants share that the post-merger company will "generate substantial pro-consumer and pro-competitive benefits,

⁹⁴ *Id.* at 35.

⁹⁵ *Id.* at 25.

⁹⁶ *Id.* at 35.

⁹⁷ *Id.*

⁹⁸ *Id.* at 37.

including accelerated deployment of advanced technology, increased pressure on markets to keep prices lower, workforce development benefits and significant investments in advancement for employees of the combined company, and improved service, product value and customer service.”⁹⁹

Joint Applicants, through their subsidiaries, are leading cable operators across the country and in California, and indicate that the post-merger company will be able to offer better cable service to customers across its footprint.¹⁰⁰ Joint Applicants argue that the Commission may not consider this purported benefit to the public interest under Pub. Util. Code Section 854(c)(6) despite emphasizing in their application that the merged entity will be able to offer better cable service across its post-merger company footprint.

Similarly, notwithstanding Joint Applicants’ position that the transfer does not trigger Section 854(c), Joint Applicants indicate that the transaction will, “[b]e beneficial on an overall basis to state and local economies and to the communities in the area served by” the combined company, by “[m]aintain[ing] or improv[ing]” elements such as the financial condition of Cox California, the quality of service to customers, the quality of management, the treatment of employees, and the impact on shareholders, while preserving the Commission’s jurisdiction as required by Section 854(c).¹⁰¹

10.2. Cal Advocates

Cal Advocates references Pub. Util. Code Section 854(c) in its opening brief and then points to its single party settlement agreement with Joint Applicants as the way to ensure that the transaction meets the requirements of the

⁹⁹ *Id.* at 38.

¹⁰⁰ *Id.* at 29.

¹⁰¹ Joint Applicants Opening Brief at 8-9.

Commission's statutory mandate. This implies that Cal Advocates does not support a finding that the Joint Application alone meets the standards of Pub. Util. Code Section 854(c). Cal Advocates states that if the Commission requires the implementation of the Joint Applicant/ Cal Advocate settlement agreement, the transaction will satisfy Section 854(c)(6), which requires that the transaction will be beneficial on an overall basis to state and local economies and the communities served by the post-merger company.¹⁰²

The Joint Applicants/Cal Advocates settlement agreement will be discussed below.

10.3. CETF

CETF cautions that it has frank concerns that if other parties suggest additional requirements for consideration under Pub. Util. Code Section 854(c)(8), additional conditions, "may dilute, modify delay or interfere with the many benefits achieved by CETF."¹⁰³

CETF acknowledges, however, that the Commission has authority to consider additional mitigation measures, but indicates that with the Joint Applicant/ CETF single party settlement agreement, the record supports immediate approval of the transaction.

10.4. TURN

TURN argues the Joint Applicants have not met their burden to show that customers will see an increase in the quality of service provided by the merged entity. For example, the four pillars of Customer Commitments provided as

¹⁰² Opening Brief of Public Advocates Office at 13.

¹⁰³ CETF Reply Brief at 13.

customer service goals for the post-merger company are voluntary, and not tracked, reported, measurable, or enforceable.¹⁰⁴

Additionally, TURN indicates that there are important questions that remain about the post-merger company's commitment to its California-based employees, such as the post-merger company's commitment to continue absorbing cost increases to employee health plans.¹⁰⁵

TURN questions whether the new \$50 million dollar fund identified by Joint Applicants will support local communities. Joint Applicants' evidentiary hearing witness indicated that millions of community benefit programs dollars are being spread across the various states, but none of that funding is earmarked for California.¹⁰⁶ If the funds were to be spent solely in California, TURN asserts that that funding would be insufficient to meet the public interest standard for the local economies and communities served by the post-merger company.¹⁰⁷

TURN raises concern that Joint Applicants' efforts to narrow the scope of the proceeding and to remove various parts of Section 854 from the Commission's consideration, is an attempt to reduce the Commission's jurisdiction and harm the Commission's ability to regulate. According to TURN, this is contrary to the requirement of Pub. Util. Code Section 854(c)(7).¹⁰⁸

On balance, TURN argues that the transaction fails the test of Section 854(c) and proposes a variety of mitigation measures for further discussion below.

¹⁰⁴ Opening Brief of TURN at 31.

¹⁰⁵ *Id.* at 35.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 37-38.

10.5. Joint Advocates

The Joint Advocates express concern that the application does not meet the standard of Section 854(c). Joint Applicants make great efforts to note that should the proposed transaction be approved, the post-merger company would be incentivized to do certain things that would be in the public interest.

However, the Joint Advocates assert that the incentive is not measurable.¹⁰⁹

Therefore, the Joint Advocates argue that Joint Applicants fail to commit to take the incentivized actions to benefit the public interest.¹¹⁰

The Joint Advocates identify several areas where the Joint Application requires clarification to ensure that a post-merger company would be a better option than the status quo, including (1) the post-merger company's commitment to customers with disabilities;¹¹¹ (2) the post-merger company's commitment to translate potential customer savings into actual customer savings;¹¹² (3) how the post-merger company would ensure additional benefits flow to California-based employees;¹¹³ and specifically how the transaction will not negatively impact competition.¹¹⁴

10.6. Media Alliance

Media Alliance takes the requirement of public benefit at face value and describes how Joint Applicants have given short shrift to President Reagan's

¹⁰⁹ Reply Brief for the Center for Accessible Technology, California Alliance for Digital Equity, Digital Equity Los Angeles, East Bay Broadband Consortium, Fresno Coalition for Digital Inclusion, and Media Alliance (CforAT and Intervenors Reply Brief) at 15.

¹¹⁰ CforAT and Intervenors Reply Brief at 9.

¹¹¹ *Id.* at 10.

¹¹² *Id.* at 12.

¹¹³ *Id.* at 15-16.

¹¹⁴ *Id.* at 16-18.

legislative requirement to ensure the furtherance of PEG channels to serve local communities' needs and support the interests of the public.¹¹⁵

Media Alliance discusses the development of the Commission's role ensuring the public interest is met by regulating video franchises and recognizes that both Charter and Cox are video franchise holders subject to Commission jurisdiction.¹¹⁶ Media Alliance indicates that continuing the provision of PEG channel capacity for public, educational, and governmental programming, would be in the public interest because of the legacy cable customers who continue to fund them, the local communities who continue to expect their programming, and the training and development opportunities afforded by them.¹¹⁷

Media Alliance indicates that there are billing issues that require fixing. Additionally, Media Alliance urges the Commission to ensure that non-commercial video be broadcast as submitted and that the post-merger company treat PEG channel lawfully and in a non-discriminatory manner, so Californians may receive and utilize the public interest benefits to which they are entitled.¹¹⁸ Where Joint Applicants are among the largest providers of cable services to California, Media Alliance indicates that there are some practices with respect to the treatment of PEG stations that require a closer look.

¹¹⁵ Media Alliance Opening Brief at 4-5.

¹¹⁶ *Id.* at 6-8. See also, <https://www.cpuc.ca.gov/regulatory-services/licensing/video-franchising/video-franchises-issued-by-the-cpuc>.

¹¹⁷ *Id.* at 6-8.

¹¹⁸ Media Alliance Opening Brief at 9-10.

10.7. Discussion

Upon review, Joint Applicants have failed to meet their burden of proof that Section 854(c) is satisfied because. First, as discussed above, they have failed to make commitments that (1) are reportable, measurable, or enforceable to ensure the transaction is in the public interest and (2) preserve the Commission's jurisdiction and capacity to effectively regulate public utility operations in this state.

For example, with respect to Section 854(c)(2), ensuring that customers across the entire post-merger company benefit from the highest-level service is a laudable goal and outcome of a merger. At PPHs, supporters of the transaction declared their expectation that public benefits of the post-merger company include infrastructure deployment and service expansion to rural, remote, and Tribal communities that have been historically underserved.¹¹⁹ However, Joint Applicants fail to make commitments in that respect or indicate intentions for future broadband infrastructure deployment.¹²⁰ Instead, Joint Applicants point to their single party settlement agreement with CETF as the vehicle where Joint Applicants makes their commitments.¹²¹

With respect to Section 854(c)(7), Joint Applicants have pointed to the Joint Application's benefits to California customers as a whole, while failing to preserve the Commission's jurisdiction and capacity to effectively regulate their operations in this state in furtherance of those benefits.

In the specific instance of its cable business, Joint Applicants claimed that the information provided about Joint Applicants' operations of PEG channels is

¹¹⁹ PPH Transcript at 20.

¹²⁰ Joint Applicants' Reply Brief at 34

¹²¹ *Id.*

out of scope in this proceeding and cannot be considered by the Commission.¹²² Public participants, both in person and in comments on the Docket Card, stated that the post-merger company, as a video franchise holder, must observe the requirements regarding PEG channels, as described in Pub. Util. Code Section 5870. The Commission has jurisdiction over holders of state franchises that are subject to the PEG channel requirements of Pub. Util. Code Section 5870. Moreover, the Commission has broad authority to consider whether the proposed transaction is in the public interest. For these reasons, Joint Applicants' claims and lack of commitments fail to preserve the Commission's jurisdiction and capacity to regulate Joint Applicants' PEG channels operations.

The Joint Applicant/ CETF and Joint Applicant/ Cal Advocates single party settlement agreements, and their commitments, are considered below.

11. ESJ Action Plan and Public Safety

Here we consider whether granting the application impacts ESJ communities, including the extent to which the transfer may impact achieving any of the nine goals of the Commission's ESJ Action Plan.¹²³ Specifically, we assess the application's adherence to the following ESJ Action Plan goals:

- Goal 3: Strive to improve access to high-quality communications services for ESJ communities
- Goal 5: Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the Commission's decision-making process and benefit from Commission programs

¹²² Joint Motion to Strike Portions of Joint Advocates' and Medial Alliance's Briefs, June 17, 2026.

¹²³ See, California Public Utilities Commission, Environmental & Social Justice Action Plan Version 2.0, April 7, 2022. Available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>.

- Goal 6: Enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities
- Goal 7: Promote high road career paths and economic opportunities for residents of ESJ communities

We also consider whether granting the application impacts public safety.

11.1. Joint Applicants' Position

Joint Applicants contend that the goals of the ESJ Action Plan are advanced via their standard business practices and through the price benefits of the larger post-merger company.

To Goal 3.4, extend essential communications services to ESJ communities, ensure implementation of new investments that offer ESJ communities' access to essential communications services at affordable rates:

Joint Applicants currently offer affordable broadband (Spectrum Internet Assist (SIA)) to low-income customers across their footprint. The post-merger company intends to enable access to SIA more broadly, "even if customers have not qualified for a low-income option before."¹²⁴ Joint Applicants indicate that customers in ESJ communities currently benefit from the affordable prices that Charter maintains through its service areas and, post-merger, their low residential rates will ensure affordable service across an even greater footprint.

Additionally, Joint Applicants affirm that identified ESJ communities already benefit from Joint Applicants' philanthropic efforts which, "promote career paths, digital literacy, and economic opportunity. . . including the Loan Fund, Spectrum Community Center Assist, and the Broadband Field Technician Apprenticeship Program."¹²⁵ The post-merger company would have the capacity

¹²⁴ Joint Applicants Opening Brief at 36.

¹²⁵ Joint Applicants' Post Hearing Reply Brief at 30-31.

to expand access to programs that bolster digital literacy and economic opportunity to communications services for those who would not have previously had it, including ESJ communities.

Joint Applicants do not directly address low-income or Tribal engagement in their initial application, but consistently reaffirm, through their other documents, a commitment to maintaining philanthropic programs and low-income offerings to benefit ESJ communities broadly.

Joint Applicants share that the post-merger company will improve public safety and communications resiliency during natural disasters and emergencies. Specifically, Joint Applicants reference access to a larger pool of personnel and critical equipment distributed across the larger, post-merger company footprint will provide redundant network routes to increase resilience, minimize service disruptions, and enterprise-grade cloud backup and disaster recovery service solutions to critical institutions and businesses. The post-merger company's increase in size and geographic footprint, according to Joint Applicants, will provide continuity and security of essential operations during and after emergencies.¹²⁶

11.2. Cal Advocates

With respect to the EJS Action Plan, Cal Advocates' analysis found that broadband providers generally charge higher promotional prices in less competitive areas, such as locations with no or only one gigabit-capable broadband provider.¹²⁷ This concern extends to ESJ communities where the post-merger company will be the sole gigabit-capable broadband provider.

¹²⁶ Joint Application at 20-21.

¹²⁷ Opening Brief of the Public Advocates Office at 14.

With respect to public safety, Cal Advocates indicate that Joint Applicants' note the service quality regulatory gap in which Joint Applicants' mobile voice telephone service falls. But Cal Advocates commits to looking at a different Commission proceeding to consider applicable service quality standards.¹²⁸

Cal Advocates claims that the terms of its single party settlement with Joint Applicants meets the goals of the ESJ Action Plan and improves public safety.¹²⁹

The Joint Applicant/Cal Advocate settlement agreement will be considered below.

11.3. CETF

CETF does not take a position that the Joint Application, absent the Joint settlement agreements, meets the goals of the ESJ Action Plan or does not impact public safety.¹³⁰

If this proceeding were to turn on the Joint Application alone, CETF asserts that the Commission would not be able to conclude that the record supports a finding that the Joint Application meets the requirements of the ESJ Action Plan.

CETF indicates that the Joint Application fails to ensure that the post-merger company improves public safety; helps expand access to emergency alerts, evacuation information, and communication with first responders and family members during disasters; obtains emergency medical and government services; participates in remote education and work during emergencies; and

¹²⁸ Rulemaking 26-02-017: Order Instituting Rulemaking Proceeding to Consider Service Quality Rules for Wireless Carriers.

¹²⁹ Opening Brief of Cal Advocates at 1.

¹³⁰ CETF Opening Brief at 22.

accesses community support resources during public safety power shutoffs, wildfires, floods, earthquakes, and other emergencies.¹³¹

If the Commission were to consider only the application before it, mitigation measures would be required in order to meet the goals of the ESJ Action Plan. Those mitigation measures will be considered under Section 854(c)(8). The Joint Applicants/ CETF single party settlement agreement will be considered below.

11.4. TURN

TURN argues that Joint Applicants provided general information related to the California LifeLine Program and General Order (G.O.) 156's reporting requirements, rather than outlining how the transaction would offer specific, additional benefits to ESJ communities.¹³² TURN indicates its concern that Joint Applicants are attempting to pass along past philanthropic activities as talking points related to its future ESJ community activities.¹³³ According to TURN, Joint Applicants also did not include measurable Diversity Equity and Inclusion (DEI) commitments that the post-merger company will meet, which fails to meet the goals of the ESJ Action Plan.¹³⁴ TURN asserts that Joint Applicants' witness did not speak with a fluency of the ESJ Action Plan and Joint Applicants have not pre-identified their geographic location for post-merger company attention.¹³⁵

¹³¹ *Id.* at i.

¹³² TURN Opening Brief at 40.

¹³³ *Id.*

¹³⁴ *Id.* at 41.

¹³⁵ *Id.*

TURN is concerned that in communications with the FCC, Joint Applicants have abandoned their DEI commitments. However, with the Commission, Joint Applicants attempt to highlight their philanthropic and engagement programs.¹³⁶

TURN argues that Joint Applicants' consideration of the post-merger company's impact on Tribes lacks the robust engagement expected of a transaction considering the goals of the Commission's ESJ Action Plan. At evidentiary hearings, Joint Applicants' witness stated that the company does not provide video, residential voice, or broadband service to any Tribes, while also indicating that the company has some business with Tribes.¹³⁷

With respect to increased public safety, TURN highlights that Joint Applicants state that the larger company will have additional access to workforce and equipment to reconnect customers after disaster. However, TURN suggests that the post-merger company could take additional steps to increase the safety and resilience of customer premises across the entire footprint, especially for customers who cannot afford to do so on their own.¹³⁸

11.5. Media Alliance

According to Media Alliance, there is a significant overlap between low-income Californians, ESJ communities, and those who lack of access to high-speed broadband, devices, necessary additional resources, and legacy cable customers.¹³⁹ Media Alliance reminds the Commission that in order to take advantage of streaming services, a customer needs a high-speed broadband

¹³⁶ *Id.*

¹³⁷ *Id.* at 44.

¹³⁸ *Id.* at 49.

¹³⁹ Opening Brief of Media Alliance at 6-7.

connection, a device, an amount of tech-savvy, and some English fluency.¹⁴⁰ Media Alliance explains that PEG channels provide local news, training and equipment, and civic information, as a trusted and known messenger in local communities.¹⁴¹

Media Alliance reminds the Commission that Joint Applicants are among the largest providers of cable service in California and that Joint Applicants indicate that the post-merger company will enable the provision of better cable and video services as one of the benefits of the transaction. To ensure that the transaction achieves requisite public benefit on balance, mitigation measures should be added so PEG channels continue to receive the benefits of the law, and that local ESJ communities are not left behind.¹⁴²

Mitigation measures will be considered under Section 854(c)(8).

11.6. Joint Advocates

The Joint Advocates, such as CforAT, Media Alliance, CADE, FCDI, DELA, and EBBC, discuss shortcomings of the application related to ESJ communities. Specifically, the Joint Advocates echo TURN's frustration with the Joint Applicants' witness and their lack of fluency with the ESJ Action Plan. The Joint Advocates also indicate concern with Joint Applicants' current philanthropic efforts, stating that putting 0.001% towards philanthropy is "deeply insulting."¹⁴³ The Joint Advocates point out that the Joint Application has not yet identified disadvantaged census tracts in their service areas, detailed

¹⁴⁰ Opening Brief of Media Alliance at 6.

¹⁴¹ *Id.* at 7.

¹⁴² *Id.* at 2.

¹⁴³ Joint Advocates Opening Brief at 15.

how they will expand their infrastructure to ESJ communities, or assessed how the post-merger benefits will extend to ESJ communities.¹⁴⁴

The Joint Advocates also indicate that the Joint Application describes some of Joint Applicants' commitments to restore service for disaster impacted customers, a public safety feature. However, the Joint Advocates do not see Joint Applicants committing to extending these benefits across the entire footprint of the post-merger company.¹⁴⁵ Additionally, the Joint Advocates assert that Joint Applicants fail to engage with the question of PEG channel treatment by the post-merger company, showing a lack of commitment to the needs of local communities.¹⁴⁶ The lack of commitments prevents CforAT and the Joint Advocates from determining that the Joint Application meets the standard of the ESJ Action Plan or the requirements to increase public safety.

11.7. Discussion

To find that the application positively impacts ESJ communities and meets any of the nine goals of the ESJ Action Plan, the Joint Application must meet the expectations expressed at the PPHs and in comments on the Docket Card.

At PPHs, PEG channel operators shared their experiences and listed ways to improve the challenges PEG channel operators experience with Joint Applicants and ways to support the public interest.¹⁴⁷

As it relates to income-eligible program offerings, while Charter offers a low-income program to its customers now, all customers across the entire post-

¹⁴⁴ *Id.* at 15.

¹⁴⁵ CforAT, Media Alliance, CADE, FCDI, DELA, EBBC, (Joint Advocates) Reply Brief at 19.

¹⁴⁶ Joint Advocates Reply Brief at 20. Joint Applicants do engage with Media Alliance in a Motion to Strike Media Alliance's Briefs, filed June 17, 2026.

¹⁴⁷ *See*, PPH Transcripts.

merger company footprint should be eligible for the low-income program currently offered for the application to positively impact ESJ communities. The post-merger company will have approximately 397,000 households in Charter's service area and 32,000 households in Cox's service area with low-income eligible customers.¹⁴⁸ Customers across the post-merger company footprint will reap the benefits of low-income service offerings, not just Cox California's customers, the utility subject to this indirect transfer.

Joint Applicants raise additional public benefits including philanthropic benefits, the promotion of digital literacy, access to a Loan Fund, and workforce benefits to promote career paths including the Broadband Field Technician Apprenticeship program. Joint Applicants have not met their burden to prove that their philanthropy and engagement programs are a transaction-specific benefit when promoting past activities as indicators of potential future activities. There is no commitment that the post-merger company will maintain program funding at existing levels or expand its efforts and funding to match its market expansion in California if the transaction is approved.¹⁴⁹

ESJ Goal 3.4 specifically states that an application must ensure the implementation of "new investments" to expand telecommunications access. Nowhere does the Joint Application claim that the post-merger company will make "new investments" to expand ESJ community access. Instead, the application relies on the low-cost service and philanthropic programs currently

¹⁴⁸ Opening Brief of the Cal Advocates at 5.

¹⁴⁹ See, Exh. 29 (Opening Testimony of Adam Falk) at 30:9-31:10, 31:21-33:19; Exh. 21 (Errata Rebuttal Testimony of Adam Falk) at 17:19-19:5; Exh. 106 (Supplemental Testimony of David Brevitz) at 27:10-16.

fielded by Joint Applicants. To satisfy Goal 3.4, the application must affirmatively work to expand communications service through investment.

Furthermore, Joint Applicants must explicitly address ESJ communities. The initial application does not mention the words “Tribe” or “disability” once. Both groups qualify as ESJ communities and must be considered in order to meet the goals of the plan. Rather than addressing ESJ community investment in the original application, Joint Applicants address low-income benefits in single party settlement agreements, to be discussed.

To address the lack of concrete, verifiable, enforceable efforts to meet the standards of the Commission’s ESJ Action Plan and make a beneficial impact on public safety, we agree that the Joint Application requires mitigation measures and detail those measures below.

12. Mitigation Measures Required to Find the Proposed Transaction in the Public Interest under Pub. Util. Code Sec. 854(c)(8)

Based on the flaws identified above, the record presented by Joint Applicants and testimony does not support a finding that this transaction is in the public interest. Pub. Util. Code Section 854(c)(8) requires the Commission to consider providing mitigation measures to prevent significant adverse consequences that may result because of the transaction. Given the breadth of concerns raised by parties, we consider mitigation measures to prevent adverse consequences.

12.1. Mitigation 1: Requiring Adherence to the Current Laws for PEG Channel Management

TURN, CforAT, Media Alliance, and the Joint Advocates all raised the public benefits of PEG channels and the need to ensure they are treated lawfully by the post-merger company. Public comments also highlighted that PEG

channels receive substandard treatment that does not meet the terms of the Pub. Util. Code or needs of modern society. Joint Applicants failed to demonstrate that the transaction will not result in a significant adverse impact to PEG channels.

To resolve the question of Public Benefit Channel treatment, within nine months of the effective date of this decision, the post-merger company will audit its relationships with all of the PEG channels in its footprint and submit the report to the Commission via a Tier 1 Advice Letter, detailing the parameters of its PEG channel relationships, including:

- a) the fees charged to and paid by each PEG channel within the post-merger company footprint;
- b) a narrative as to how the post-merger company is complying with current Commission jurisdiction, Pub. Util. Code Section 5870, for each PEG station;
- c) identification of the public benefit channel number for each PEG station;
- d) a description of the treatment each PEG channel receives on cable channel guides and navigation systems;
- e) a narrative describing the treatment of video content submitted by the public and the process by which it is prepared for and then broadcast.

The post-merger company will submit that report to the Commission via a Tier 1 advice letter and include an attestation that it has also sent the information to the Alliance for Community Media, the Public Benefits Channel trade organization.

12.2. Mitigation 2: California-Based Workforce Benefits

Public comments urged the Commission to ensure that the post-merger company improve employee treatment, return jobs to California, and increase

California employee benefits, such as wages and training opportunities. Public comments also expressed concerns about layoffs and outsourcing. Joint Applicants failed to demonstrate that the transaction will be fair and reasonable to employees and will not result in a significant adverse impact on the express public interest regarding this issue.

To ensure that the post-merger company maintains an adequate California workforce to provide the required customer service and service quality requirements in California, on March 1, 2027, and annually for the next four years, the post-merger company will submit an audit report to the Commission via a Tier 1 advice letter (Annual Report) that includes a discussion about the size and character of its California-based workforce and California-based management. Additionally, the report will describe its employees who provide customer service to California customers, including low-income customers, changes that have occurred to the California-based workforce as a result of the merger, and the new and additional foreseeable workforce benefits stemming from the transaction. The post-merger company shall specify the number of new hires from ESJ communities that occurred within the time periods between the reports.

12.3. Mitigation 3: Customer Service and ESJ Community Notification & Improvements Reporting

CETF and the Joint Advocates identified concerns with the post-merger company's ESJ customer service. Joint Applicants fail to demonstrate that the transaction will maintain or improve the quality of these services.

To ensure that the post-merger company adequately notifies its California customers across the post-merger company footprint, especially in ESJ communities:

- a) On March 1, 2027, the post-merger company will submit a report to the Commission, herein, the post-merger Annual Report. One aspect of the Annual Report will describe its customer service practice modifications made in response to changes associated with this transaction, including scripts, new training models, and details around the modifications made to mitigate low-income customer upselling practices.
- b) Within forty-five (45) days of the issuance date of this decision, the post-merger company shall send a welcome letter or notice, approved by the Commission's Public Advisor's Office, to its customers. The letter or notice shall include information about payment options, the California Customer Hotline, the post-merger company's income-qualified programs, federal Lifeline and California LifeLine options, and any other customer service information related to the transition, merger, and considerations therein. Notification about clause (c), below, shall also be included in the welcome letter.
- c) Within thirty (30) days of the issuance date of this decision, the post-merger company shall establish a dedicated California customer hotline number to be available 12 hours per day from 8:00 AM - 8:00 PM Pacific Time for two (2) years. The customer hotline will be staffed by human operators located in California who will offer to look at a caller's bill to determine if a lower cost option is available and how to change plans, assist with consumer questions, concerns, and complaints related to the transfer of control. This dedicated California customer hotline will be separate and in addition to G.O. 133 Customer Service Standards, obligations to provide basic service or any successor obligations, post-merger company transfer of control conditions, and settlements and conditions listed in this document.
- d) For a period of five (5) years after the issuance date of this decision, the post-merger company shall advertise the price, eligibility, available locations, and information of its service plans to inform a customer's decision about service

plan options, including California LifeLine. Advertising shall be visible at all post-merger company stores, available digitally on all of the post-merger company's websites with dedicated visible webpages, and on company social media profiles.

- e) Within six (6) months of the issuance date of this decision, the post-merger company shall provide dedicated live customer support services with staff trained for Californians with disabilities, supporting, at a minimum, real-time text (RTT), Baudot code, audio, and video (American Sign Language) from 9 am to 5 pm, 7 days a week.

12.4. Mitigation 4: Tribal Lands Service Quality Reporting

There is a historical dearth of service on Tribal lands. Goal 3.4 of the ESJ Action Plan is to extend essential communications services to ESJ communities, including Tribal lands. Joint Applicants fails to demonstrate that the transaction will positively impact Tribal communities and further Goal 3.4.

Accordingly, on March 1, 2027, and then annually for the next ten years, the post-merger company will include in its Annual Report a report on G.O. 133-E Out of Service metrics on Tribal lands within the post-merger company footprint.

12.5. Mitigation 5: Low Income Program

There is an express public interest in ensuring the post-merger company provides access to high-quality, affordable internet in unserved and underserved communities. However, the Joint Application fails to specify how the post-merger company maintain and improve the quality of these services.

To prevent any potential significant adverse consequences to low-income communities, the post-merger company shall continue to offer California LifeLine, including the standalone and broadband bundle options, throughout

the post-merger service territory for a period of no less than ten (10) years, or until December 31, 2036. The post-merger company shall participate in the California LifeLine Home Broadband Pilot for the duration of the pilot program, and program extension, or permanent program as part of California LifeLine for no less than fifteen (15) years, or until December 31, 2041. For a period of ten (10) years after the effective date of this decision, the post-merger company shall not raise the price of services for income-qualified program.

The current low-income program offered by Joint Applicants does not additionally increase access to affordable broadband, the primary barrier to connectivity across the state.

The post-merger company must offer and make available the highest broadband speed and lowest priced service plan available to all California consumers located in the post-merger company's footprint. Joint Applicants shall remove the 30-day moratorium on any plan changes for all Californians in an effort to reduce the barrier to broadband affordability, the primary barrier to connectivity.

12.6. Mitigation 6: Promotional and Persistent Pricing

Cal Advocates, CforAT, TURN, and the Joint Advocates raised concerns about the post-merger company's pricing practices and reimbursement of non-planned outages.¹⁵⁰ In comments, the public also expressed its expectation that the post-merger company would reimburse for service outages and provide flexible and transparent pricing and options. Joint Applicants fail to demonstrate that the transaction will not have an adverse impact on consumers in these areas.

¹⁵⁰ Opening Brief of TURN at viii; Joint Advocates Opening Brief at 39.

To address this concern:

- a) The post-merger company shall ensure that any promotional pricing plan for fixed broadband, fiber, fixed wireless and mobile services provided to any geographic location is equally available across its footprint.
- b) Consistent with the language of G.O. 133-E, for network outages where a standalone broadband customer is unable to access the internet for two hours or more in a day, the post-merger company shall automatically issue a customer credit equal to 1/30th of the monthly price of the service for each day the service outage lasts two-hours or more. This customer credit must be reflected on the customer's bill within 60 days after the last day of the billing period during which the customer experienced a service outage lasting two hours or more. The automatic customer credit applies only to charges associated with the service.

The post-merger company shall ensure that any pricing plan available to any geographic location is equally available across its footprint.¹⁵¹

**12.7. Mitigation Measure 7:
Map ESJ Communities, Create Streamlined
Complaint Process for ESJ Communities
including Tribes and Customers on Tribal Lands,
and Require Full-Time Tribal Liaisons**

Despite the 109 federally recognized tribes in the State of California, the application does not mention the term Tribe or Tribal at all. Joint Applicants' commitment to the goals of the ESJ Action Plan requires augmentation to find that the Joint Application is in the public interest.

For the transaction to be beneficial to the Tribal communities in the area served by the post-merger company, as required by Pub. Util. Code Section

¹⁵¹ See, Exh. 145; Transcript, April 21, 2026, at 707; Transcript, April 23, 2026, at 969.

854(c)(6), the post-merger company must first identify the Tribal communities in its service area.

- a) The post-merger company shall develop a map of the Tribal communities within its footprint. The map will be included with the post-merger company's first March 1 Annual Report submitted via Tier 1 advice letter to the Commission. The map shall be reviewed and updated every two years and resubmitted.
- b) The post-merger company shall work with the Native American Heritage Commission to identify all Tribes within its California footprint. The post-merger company shall include a report of its findings in its March 1, 2027, Annual Report. All post-merger company reports will be made available to parties to this proceeding upon request to the Commission's Communication Division.
- c) To effectuate greater engagement with Tribes located within its footprint, the post-merger company shall employ a full-time tribal liaison.

12.8. Mitigation Measure 8: Economic Opportunities and ESJ Communities

Because Joint Applicants failed to present measurable and verifiable commitments to the goals of the ESJ Action Plan, mitigation is required to find that the Joint Application is in the public interest. To meet the public's expectations, the post-merger company shall invest an appropriate amount to get "underconnected, unconnected, and unsustainably connected households online and trained in digital literacy."

- a) To promote high road career paths and economic opportunities, like its commitment to New York, within one year of a Commission decision, the post-merger company will provide a Broadband Field Technician Apprenticeship Program for hiring California technicians. The post-merger company shall submit an update, detailing its program and progress via its March 1, 2027,

- Annual Report to the Commission, and annually thereafter.
- b) The post-merger company may consider partnership with the California State University System or the California Communication Colleges. To promote high road career paths and economic opportunities in ESJ communities, the post-merger company should make additional effort to search for candidates within the ESJ and Tribal communities in its footprint. Additionally, the post-merger company will provide opportunity to participate in workforce development programs via University of California Native American Opportunity Plan. All plans of action in this regard are to be detailed in the post-merger company's March 1, 2027, Annual Report, and updated annually.
 - c) The post-merger company will include a report detailing its success in incorporating candidates from ESJ communities, including ESJ hiring data, hiring outreach methods, changes, and updates, for ten (10) years starting with the March 1, 2027, Annual Report to the Commission.

**12.9. Mitigation Measure 9: Public Safety -
Provide Battery Backup Availability
and Annual Notice**

In response to a Cal Advocates data request, Joint Applicants confirmed that a significant portion of service outages occur because of power outages.¹⁵² To improve public safety outcomes and increase public safety and communications resiliency resulting from the transaction, especially during natural disasters, mitigation measures must be implemented, tracked, and reported.

The post-merger company shall make available to all new residential wireline voice service customers in California access to at least one battery

¹⁵² Exh. 159. (Response to Cal Advocates Data Request 05.)

backup solution that provides 72 hours of standby time.¹⁵³ By March 1, 2027, and annually for ten (10) years, the post-merger company shall provide an annual notice to all their residential wireline voice service customers in California disclosing relevant information regarding battery backup solutions. The post-merger company will include a copy of this notice annually in its March 1 Annual Reports.

12.10. Mitigation 10: New Infrastructure Deployment

Goal 3.4 of the Commission's ESJ Action Plan is to ensure implementation of new investments that offer ESJ communities' access to essential communication services at affordable rates. Pub. Util. Code Section 854(c) also requires the Commission to consider whether the transaction maintains or improves the quality of service to ratepayers and is beneficial on an overall basis to communities in the area served.

To mitigate the Joint Applicants' lack of commitment to deploy new infrastructure to provide high-speed broadband to unserved and underserved in its footprint, the post-merger company shall update its California networks to be capable of offering symmetric internet access service with download/upload speeds up to 1/1 gigabit per-second throughout its footprint.¹⁵⁴

Within nine months of the effective date of this decision, the post-merger company shall submit its buildout plans with identified locations and timeline milestones to connection to the Commission via a Tier 1 advice letter. The post-merger company shall submit its updated buildout plans, identified locations,

¹⁵³ Exh. 6 (Direct Testimony of Joshua Srago) at 5.

¹⁵⁴ Joint Applicant Reply Brief at 34

and connections to the Commission in its March 1, 2027 Annual Report, with updates and progress reports submitted annually thereafter.

13. Settlement Agreements

On May 1, 2026, Joint Applicants and CETF filed a Joint Motion requesting that the Commission adopt their MOU. The Joint Motion indicated that the MOU was achieved through substantial and lengthy negotiations and an agreement was reached on all concerns raised by CETF in the proceeding.¹⁵⁵

On May 1, 2026, Joint Applicants and Cal Advocates filed a Joint Motion for Adoption of Settlement Agreement. The Joint Motion indicated that Joint Applicants and Cal Advocates came to a settlement position after “substantial and lengthy negotiations.”¹⁵⁶ Joint Applicants and Cal Advocates request that the Commission adopt their single party settlement agreement in its entirety as a resolution of the issues raised by Cal Advocates in the proceeding.¹⁵⁷

13.1. Joint Applicants and CETF

In the Joint Motion, Joint Applicants and CETF indicate that they made commitments about:

- 1) broadband affordability and adoption;
- 2) sales practices and advertising of low-income offers;
- 3) financial support for a broad array of digital inclusion programs;
- 4) infrastructure upgrades, network evolution, and expansion investments;
- 5) Tribal and other stakeholder consultation and outreach;

¹⁵⁵ Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 1-2.

¹⁵⁶ Joint Motion of Charter and the Public Advocates Office for Adoption of Settlement Agreement at 1.

¹⁵⁷ *Id.* at 12.

- 6) small business and workforce development investments;
- 7) and continued participation and reporting under G.O. 156.¹⁵⁸

Joint Applicants and CETF describe their MOU as “an ‘appropriate, fair and comparable’ set of public benefits to consumers, particularly in the areas of broadband deployment, digital inclusion, affordable offers, and compliance with GO 156 and the Commission’s Environmental and Social Justice Action Plan.”¹⁵⁹

Additional details about the Joint Applicant/ CETF Settlement are as follows:

- 1) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), Joint Applicants commit to establishing a New Standalone Low-Income Broadband Plan for new and existing low-income eligible customers at 100/20 Megabits per second (Mbps) service for \$20 per month. Joint Applicants and CETF agree that the post-merger company will offer this *California Affordable Internet Service Tier* across the entire footprint of the post-merger company, with no long-term contracts or early termination fees, for five-years.¹⁶⁰
- 2) Targeted marketing: The post-merger company commits to spending \$300,000 per/year, or \$1.5 million over five years, across its entire footprint, to market and ensure that all California customers across its territory know about its New Standalone Low-Income Broadband Plan, *California Affordable Internet Service Tier*.¹⁶¹
- 3) Joint Applicants commit that the post-merger company will allow its customers to remain on whatever low-income plans they currently have for a minimum of five years after

¹⁵⁸ Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 3-14.

¹⁵⁹ *Id.* at 4-5.

¹⁶⁰ *Id.* at 8. [Fixed-price low-income broadband access at \$20 per month.]

¹⁶¹ *Id.* at 10.

the close of the transaction.¹⁶² There is an embedded assumption that the customer must maintain their low income status at the time of the transaction to retain access.¹⁶³

- 4) Joint Applicants commit to train all of their relevant call center employees with materials to provide low-income customers with “adequate information regarding availability of, and processes to enroll in, these low-income offerings.”¹⁶⁴
- 5) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), Joint Applicants commit to a \$30 million investment in digital inclusion programs related to identified broadband adoption barriers (cost, relevance, digital literacy) including: \$20.5 million to CETF to support broadband adoption through community based outreach, in-language and in-culture engagement, digital literacy training programs across the post-merger company footprint; \$7 million to regional broadband consortium and metropolitan planning organizations for targeted outreach and community-based digital inclusion engagement efforts; and \$2.5 million to a new CETF Green Technology Initiative for sustainable supply chain computer refurbishment to be distributed to low-income households for free digital literacy training.¹⁶⁵
- 6) To satisfy Pub. Util. Code Section 854(a), (b)(1), (c)(2), and (c)(6), Joint Applicants commit that the post-merger company will invest at least \$275 million to evolve its existing network in California. This commitment will be used to finish upgrading legacy California service to

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.* at 12.

¹⁶⁵ *Id.* at 12-13.

- symmetrical one-gigabit speed capability within three years.¹⁶⁶
- 7) Joint Applicants commit that the post-merger company will “serve as a potential safety net for the final broadband serveable [*sic*] locations it identified as remaining unserved or underserved in the Broadband Equity, Access, and Deployment Program” by submitting at least one application for broadband grant funding, “to deploy last-mile broadband infrastructure to serve those remaining locations, with a Charter capital contribution of up to \$3,000 per funded location.”¹⁶⁷
 - 8) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), Joint Applicants commit that the post-merger company would provide free broadband service and Wifi service for five years, at no charge, to 50 eligible anchor institutions, such as schools, libraries, community centers, and other community-service facilities.¹⁶⁸
 - 9) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), and meet the ESJ Action Plan Goal 3.4, Joint Applicants commit the post-merger company to annual consultation with “RCBs,” “MPOs,” and community-based organizations to create ongoing input on the post-merger company’s capital investment and deployment. The post-merger company makes a Tribal-specific consultation commitment between the company and Tribal governments adjacent to or within the post-merger company footprint. “Upon request,” the post-merger company will consult with affected Tribes and respond to CEFT requests to meet with Tribes in the service area.¹⁶⁹
 - 10) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), and meet the goals of the ESJ Action Plan including: Small

¹⁶⁶ *Id.* at 14.

¹⁶⁷ *Id.* at 14-15.

¹⁶⁸ *Id.* at 15.

¹⁶⁹ *Id.* at 15-16.

- Business Investment, G.O. 156, and Pub. Util. Code Section 8290.2, a senior level executive of the post-merger company will attend the Commission's annual Supplier Diversity En Banc hearings and will broaden its outreach to focus on small businesses and supplier diversity, including economically disadvantaged communities in California.¹⁷⁰
- 11) The post-merger company will invest \$5 million in Community Development Financial Institutions to channel capital to small businesses in California that have historically lacked adequate access to credit.¹⁷¹
 - 12) The post-merger company commits \$2 million over a three-year period to expand its existing VetConnect Program to two additional California military bases in the Combined Company Service Area to help transition military personnel into the civilian workforce.¹⁷²
 - 13) The post-merger company will collaborate with CETF to conduct outreach to small businesses to become certified by the Commission's Supplier Clearinghouse to provide services or products to utilities and other providers participating in the Commission's Supplier Diversity Program; to list the Commission's minimum goals as contained in Section 8.2 of G.O. 156 for procurement from women-, minority-, disabled veteran-, and LGBT-owned business enterprises as the short-, mid-, and long-term targets; to report its actual spend against Commission's goals.¹⁷³
 - 14) Any terms not indicated in this list and included in the individual party settlement agreements attached to this decision in Attachment B are hereby incorporated by reference.

¹⁷⁰ *Id.* at 16.

¹⁷¹ *Id.*

¹⁷² *Id.* at 17.

¹⁷³ *Id.*

The Joint Applicant/ CETF settlement agreement is attached to this document as Attachment B.

13.2. Joint Applicants and Cal Advocates

According to the Joint Motion, the agreement between Joint Applicants and Cal Advocates directly addresses the issues Cal Advocates raised in the proceeding. Joint Applicants and Cal Advocates state that they made commitments about broadband affordability and adoption, advertising of low-income offers, promotional pricing practices, public safety, resiliency, and broadband adoption reporting.¹⁷⁴

Additional details about the Joint Applicants / Cal Advocates settlement agreement are as follows:

- 1) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), and the ESJ Action Plan, Joint Applicants commit that the post-merger company will ensure that all new and existing low-income customers across the service footprint will have access to four new tiers of service for low-income customers, for five years:

New California LifeLine Service Tiers:

- a. Standalone 100/20 Mbps for \$20 per month - residential home internet access service
- b. Standalone 500/20 Mbps for \$50 per month- residential home internet access service
- c. Bundled 100/20 Mbps for \$30 per month - residential home internet access service plus residential wireline voice service bundle

¹⁷⁴ Joint Motion of Charter and the Public Advocates Office for Adoption of Settlement Agreement at 4.

- d. Bundled 500/20 Mbps for \$50/ per month - residential home internet access service plus residential wireline voice service bundle.¹⁷⁵
- 2) Joint Applicants commit that the post-merger company will offer new and existing low-income eligible customers across its footprint access to residential home interest access plans at 100/20 Mbps service for \$20 per month in a Standalone Non-LifeLine Service Tier for five years with no long-term contracts or early termination fees.¹⁷⁶
- 3) Existing customers enrolled in qualifying low-income service tiers may remain on their plans for at least five years after the transaction.¹⁷⁷
- 4) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), and the ESJ Action Plan, Joint Applicants commit that for three years the post-merger company will offer new residential broadband customers promotional pricing across its footprint of \$70 for 1000/35 Mbps service, \$50 for 500/20 Mbps service, and \$30 for 100/20 Mbps service.¹⁷⁸
- 5) To satisfy Pub. Util. Code Section 854(a), (b)(1), and (c)(6), and the ESJ Action Plan, Joint Applicants commit that the post-merger company will spend \$1.5 million over five years, or minimum of \$300,000 per year, to promote its low-income broadband services including its New California LifeLine Service Tiers and Standalone Non-LifeLine Service Tier across its footprint.¹⁷⁹

The Joint Applicant/ Cal Advocates settlement agreement is attached to this document as Attachment A.

¹⁷⁵ *Id.* at 7.

¹⁷⁶ *Id.* at 8.

¹⁷⁷ *Id.* at 9.

¹⁷⁸ *Id.* In the Joint Motion footnote 20, Joint Applicants note a number of exceptions to this commitment.

¹⁷⁹ *Id.* at 10.

13.3. Standard of Review

The Commission's Rules of Practice and Procedure (Rules) Article 12 governs the consideration of settlements.

Rule 12.1(c) states that settlements should ordinarily not include deadlines for Commission approval. However, in the rare case where delay beyond a certain date would invalidate the basis for the proposal, the timing urgency must be clearly stated and fully justified in the motion.

Rule 12.1(d) states, in part, that the Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest.

Under Rule 12.4(c), the Commission may propose alternative terms to the parties to the settlement which are acceptable to the Commission and allow the parties reasonable time within which to elect to accept the proposed terms.

13.4. Rule 12.1(c)

The Joint Applicants/ Cal Advocates settlement agreement has no adoption deadline. However, Joint Applicants and CETF indicate that as a result of urgency, they would act in good faith to accelerate the Commission's adoption of their settlement by June 30, 2026.

CETF indicates that the urgency associated with adopting their single party settlement agreement is the clearance period associated with Joint Applicants' federal HSR filing.¹⁸⁰ Joint Applicants and CETF also indicate that failure to adopt its single party settlement agreement would cause material and business disruptions.

¹⁸⁰ Reply Comments of CETF on Settlement Agreements at 20.

The Commission is unmoved by these arguments. The assigned ALJ provided an opportunity for the Joint Applicants to make their scheduling needs, such as deadlines, known, at the prehearing conference. Joint Applicants did not request expedited review of their application.

TURN notes that the Joint Applicants/CETF settlement fails to justify its urgency request, as it must under Rule 12.1(c).¹⁸¹ Rule 12.1(c) is not satisfied without a clearly stated and fully justified reason for the urgency in the motion. Therefore, we deny the request to accelerate adoption of the settlement.

13.5. Reasonable In Light of the Whole Record

The first question the Commission must consider is whether the two individual party settlement agreements are reasonable in light of the whole record.

13.5.1. Joint Applicants' and CETF's Position

In their Joint Motion, Joint Applicants and CETF assert that the terms of the MOU are reasonable in light of the general record established to support the transfer and the concerns expressed by CETF in its pleadings and testimony.¹⁸² Specifically, Joint Applicants and CETF highlight that the MOU directly addresses the broad array of issues CETF raised and offers an “‘appropriate, fair and comparable’ set of public benefits to consumers, particularly in the areas of broadband deployment, digital inclusion, affordable offers, and compliance with GO 156 and the Commissions [ESJ] Action Plan.”¹⁸³

¹⁸¹ TURN Comments on Cal Advocates Settlement at 8; TURN Comments on CETF Settlement at 5.

¹⁸² Joint Motion of Joint Applicants and CETF at 4-5.

¹⁸³ *Id.* at 5.

13.5.2. Joint Applicants' and Cal Advocates' Position

In their Joint Motion, Joint Applicants and Cal Advocates assert that the terms of the settlement agreement are reasonable in light of the general record established to support the transfer and the concerns expressed by Cal Advocates in its pleadings and testimony.¹⁸⁴ Specifically, Joint Applicants and Cal Advocates highlight that the settlement agreement makes substantial commitments “with respect to broadband affordability and adoption, advertising of low-income offers, promotional pricing practices, public safety, resiliency, and broadband adoption reporting.”¹⁸⁵

13.5.3. TURN

TURN notes that the record demonstrates that within the footprint of the post-merger company, certain communities have historically experienced neglect, underinvestment, and have been charged higher prices for worse service.¹⁸⁶ TURN indicates that it would be reasonable and in service of the public interest to prioritize areas with the worst service and slowest maximum speeds, with special consideration for ESJ and disadvantaged communities.

TURN does not confirm its position as to whether the single party settlement agreements are reasonable in light of the record and instead focuses on whether the single party settlement agreements are in the public interest. The discussion of public interest is below.

¹⁸⁴ Joint Motion of Joint Applicants and Cal Advocates at 4.

¹⁸⁵ *Id.*

¹⁸⁶ Opening Comments of the Utility Reform Network on the Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 19.

13.5.4. Joint Advocates (Media Alliance, CADE, FCDI, EBBC, and DELA)

The Joint Advocates submitted comments on both settlement agreements. Their comments highlight areas where the settlement agreements and the record are not aligned.

For example, they note that the settlement agreements are silent on the disaster resiliency issues DELA raised in the record.¹⁸⁷ The Joint Advocates also highlight “the depth of the affordability crisis documented in the record” to both (1) support the Joint Applicants/ Cal Advocates settlement agreement’s commitments to establish new California LifeLine Service Tiers and fixed pricing provisions and (2) assert that a five-year term is insufficient.¹⁸⁸ Separately, Joint Applicants note that the Joint Applicants/ Cal Advocates settlement agreement does not address Charter’s practice of reporting customers to credit reporting agencies, despite the record that such reporting can affect a customer’s future eligibility for low-income plans.¹⁸⁹ Finally, the Joint Advocates assert that neither of the single party settlement agreements address concerns raised by CforAT and CADE about the proposed transaction’s impacts on jobs — jobs in unrepresented and underrepresented communities.¹⁹⁰

13.5.5. CforAT

CforAT opposes the settlement agreements because they “do not address the majority of the issues raised in this proceeding and are therefore not reasonable in light of the entire record.”¹⁹¹ CforAT highlights that based on the

¹⁸⁷ Joint Advocates Opening Comments on Settlement Agreement at 3-7.

¹⁸⁸ *Id.* at 7-8.

¹⁸⁹ *Id.* at 10.

¹⁹⁰ *Id.* at 21.

¹⁹¹ CforAT Opening Comments on Settlement Agreements at 2.

record, the settlement terms for “affordable” broadband service will not be effective in supporting many customers in the combined company’s territory.¹⁹² CforAT also asserts that the record indicates that the loopholes and exceptions to the Joint Applicants/ Cal Advocates settlement agreement significantly reduces the public interest benefits of the post-merger company’s promotional pricing commitment.¹⁹³ Finally, CforAT expresses concern that the Joint Applicants/ Cal Advocates settlement agreement’s lack of terms to improve wireless service quality fails to mitigate the ongoing service quality issues described.¹⁹⁴

13.5.6. Discussion

While we acknowledge that the settlement agreements are based on the record developed by Joint Applicants, Cal Advocates, and CETF, we agree with the parties that a significant amount of persuasive data and information were not addressed. Upon consideration, this weighs against a conclusion that the proposed settlement agreements are reasonable in light of the whole record because there are persuasive elements of the record that remain unresolved.

We also note that the MOU between the Joint Applicants and CETF states that to “the extent any conflict or inconsistency exists between this MOU and the Cal Advocates Settlement Agreement, the terms of this MOU shall control.”¹⁹⁵ The record does not reflect whether Cal Advocates agreed to this term. Record on this point is vital because it appears that there may be inconsistencies between the two settlements with regard to the post-merger company’s commitment to

¹⁹² *Id.* at 10-11.

¹⁹³ *Id.* at 27.

¹⁹⁴ *Id.* at 28.

¹⁹⁵ Joint Motion of Charter Communications, Inc., and California Emerging Technology Fund for Adoption of Settlement Agreement at Exhibit 1 at 15.

institute its New California LifeLine Service Tiers and the Standalone Non-LifeLine Service Tier.

In light of the persuasive elements of the record that remain unresolved and our concern that inconsistencies between the two single party settlement agreements could render terms of the single party settlement agreement between Joint Applicants and Cal Advocates void, we modify the single party settlement agreements as discussed below. These modifications are necessary to find that a settlement agreement is reasonable in light of the whole record.

13.6. Consistent with the Law

The second question the Commission must consider is whether the two single party settlement agreements are consistent with the law.

13.6.1. Joint Applicants' and CETF's Positions

Joint Applicants and CETF indicate that their single party settlement agreement is fully consistent with the requirements of Section 854 and with all other applicable provisions of California law.¹⁹⁶

13.6.2. Joint Applicants' and Cal Advocates' Positions

Joint Applicants and Cal Advocates indicate that their single party settlement agreement is fully consistent with the requirements of Section 854 and with all other applicable provisions of California law.¹⁹⁷

¹⁹⁶ Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 5.

¹⁹⁷ Joint Motion of Charter and Public Advocates Office for Adoption of Settlement Agreement at 4.

13.6.3. TURN

TURN disagrees that the single party settlements between Joint Applicants and CETF and Joint Applicants and Cal Advocates are consistent with the public interest standard in Section 854.¹⁹⁸

13.6.4. Joint Advocates (CforAT, Media Alliance, CADE, FCDI, EBBC, and DELA)

The Joint Advocates indicate that an area in the single party settlement agreements that must follow the law gets short shrift.¹⁹⁹ Specifically, unless the single party settlement agreements include a requirement that the post-merger company commits to following the law with respect to PEG access channels, the single party settlement agreements cannot be described as consistent with the law.

13.6.5. CforAT

CforAT comments that the single party settlement agreements are not consistent with law particularly regarding disability equity, racial equity, and supplier diversity.²⁰⁰

13.6.6. Discussion

Because the transaction must be consistent with Pub. Util. Code Section 854 and its broad public interest considerations, we cannot find that the settlement agreements are consistent with the law unless we find that the

201 Opening Comments of the Utility Reform Network on the Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 1-2.

¹⁹⁹ Joint Opening Comments on Charter Settlement Agreements with the California Emerging Technology Fund & The Public Advocates Office at 17.

²⁰⁰ Center for Accessible Technology's Comments on Joint Motion of Charter and Public Advocates Office for Adoption of Settlement and Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 2.

settlement agreements are consistent with the public interest. Our discussion of the public interest aspects of the settlement agreements is below.

13.7. In the Public Interest

The third question the Commission must consider is whether the two single party settlement agreements are in the public interest.

13.7.1. Joint Applicants' and CETF's Positions

CETF indicates that the Joint Applicants/ CETF single party settlement agreement, negotiated over months, along with the Joint Applicants/ Cal Advocates single party settlement agreement transforms the Joint Application. Specifically, CETF indicates that the Joint Application was deficient by failing to commit to public benefits in the following areas: infrastructure deployment affordable broadband offers, digital inclusion, public safety, call center practices, ESJ impacts, Tribal engagement, and supplier diversity. CETF believes that its single party settlement agreement and Cal Advocates' single party settlement agreement secure, "concrete, measurable, and enforceable commitments that directly respond to the issues that were litigated."²⁰¹

CETF requests that the Commission, "approve both the CETF and Cal Advocates Settlement Agreements, make them enforceable Commission conditions, retain post-approval enforcement jurisdiction, and act in time for the transaction to close before the Hart-Scott-Rodino clearance expires in mid-September 2026."²⁰²

²⁰¹ Reply Comments of California Emerging Technology Fund on Settlement Agreements at iii.

²⁰² *Id.* at v.

13.7.2. Joint Applicants' and Cal Advocates' Positions

Cal Advocates states that their single party settlement agreement is drafted to provide, “meaningful, enforceable, and transaction-specific consumer protections beyond what would exist if the proposed transaction were approved absent the Agreement,” and is therefore in the public interest.²⁰³ Cal Advocates encourages the Commission to adopt their settlement agreement as a condition of approval of the Joint Application.²⁰⁴

13.7.3. TURN

TURN opposes both the Joint Applicants/ CETF settlement and the Joint Applicants/ Cal Advocates settlement agreements unless the Commission amends the single party settlement agreements to be in the public interest or imposes additional conditions.²⁰⁵ TURN reminds the Commission in its comments on the proposed single party settlement agreements that the Commission may adopt the settlement conditions while also imposing additional conditions on a transfer of control subject to Pub. Util. Code Sec. 854 review.²⁰⁶

²⁰³ Reply Comments of the Public Advocates Office at 1.

²⁰⁴ *Id.*

²⁰⁵ Opening Comments of The Utility Reform Network on the Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement (TURN Comments on CETF Settlement) at 1.

Opening Comments of the Utility Reform Network on the Joint Motion of Charter and Public Advocates Office for Adoption of Settlement Agreement (TURN Comments on Cal Advocates Settlement) at 1-2.

²⁰⁶ TURN Comments on Cal Advocates Settlement at 1; TURN Comments on CETF Settlement at 2.

TURN also reminds the Commission that Joint Applicants have the burden to demonstrate that the proposed transaction will result in affirmative benefits to the public interest, not intervenors to prove that specific harm will occur.²⁰⁷

TURN suggests proposed time commitments more in line with the commitments made in the Verizon/Frontier or Tracfone transfers, with regards to the program commitments made by Joint Applicants/Cal Advocates and Joint Applicants/CETF settlements, would be more in line with the public interest.²⁰⁸

TURN indicates that the variations in the two single party settlement agreements with respect to providing New California LifeLine Service Tiers could result in a shortened timeframe of the provision of that proposed benefit.²⁰⁹ This discrepancy and potential reduction in time would not be in the public interest.²¹⁰

TURN suggests that post-merger company reporting and compliance materials be distributed to parties to this proceeding so that the implementation of the public interest benefits can be tracked and understood.²¹¹

TURN notes that because the post-merger company does not create a bundle package for California LifeLine participants at standard, non-promotional rates, it would be in the public interest that additional conditions are created to make sure that the post-merger company continues to participate in California

²⁰⁷ Reply Brief of TURN at 3.

²⁰⁸ See, D.26-01-023, January 15, 2026, and D.21-11-030, November 19, 2021. TURN Comments on Cal Advocates Settlement at 4. TURN Comments on CETF Settlement at 3-4.

²⁰⁹ TURN Comments on Cal Advocates Settlement at 5.

²¹⁰ *Id.* at 5.

²¹¹ *Id.* at 7; TURN Comments on CETF Settlement at 5.

LifeLine. The continuation of California Lifeline supports the public interest because it is the most common type of California LifeLine-supported service.²¹²

TURN suggests that it would be in the public interest to remove responsibility for determining eligibility for the successor New California LifeLine Service Tiers from the post-merger company. This would prevent limiting, or potentially reducing, the pool of eligible customers in successor programs.²¹³

TURN indicates that it would be a public benefit to develop an alternative definition for “substantially similar successor program” for a future subsidy program so as not to create disincentives in its design.²¹⁴

TURN proposes that oversight and input could improve the Joint Applicants/CETF settlement and ensure that post-merger company call center representatives receive adequate training material that assists low-income customers to receive appropriate low-income program information.²¹⁵

TURN appreciates the settlement proposal to institute Downgrade Alternatives for non-paying customers on the New California LifeLine Service Tiers and Standalone Non-LifeLine Service Tier as to the benefit of the public. To illustrate the implementation of the proposed public benefit proposed, TURN would like to better understand how many times the post-merger company uses

²¹² TURN Comments on Cal Advocates Settlement at 8; TURN Comments on CETF Settlement at 8-5.

²¹³ TURN Comments on Cal Advocates Settlement at 9.

²¹⁴ *Id.* at 11-12; TURN Comments on CETF Settlement at 11-13.

²¹⁵ *Id.* at 7-8.

its proposed Downgrade Alternative rather than disconnection as a customer service annually.²¹⁶

TURN indicates that the public benefits may be more significant if, rather than giving the bulk of the laudable \$30 million dollar commitment to bridge the digital divide to CETF, that that funding be more broadly distributed amongst local community organizations. Additionally, it would be to the public benefit if recipients of program funding knew that the funding was a condition of the corporate merger rather than a philanthropic donation.²¹⁷

TURN indicates that the public interest would be better served if some of the post-merger company's \$300,000 per year low-income plan marketing spend commitment provided consumer education material in multiple languages (English, Spanish, Chinese, and Vietnamese) and in accessible formats for visually impaired customers; and that customers are able to receive relevant information in physical stores.²¹⁸

TURN reminds the Commission that Joint Applicants' promotional pricing for 300 and 500 Mbps plans were often found to be \$9-16 higher in high-poverty neighborhoods in 2022.²¹⁹ The public benefit would not be served if the post-merger company is permitted to continue to have \$15 variances in promotional pricing. Permitting this sized variance maintains the 70-100% price disparity between high and low poverty neighborhoods.²²⁰ TURN indicates that it would

²¹⁶ TURN Comments on Cal Advocates Settlement at 12-13.

²¹⁷ TURN Comments on CETF Settlement at 13-14.

²¹⁸ TURN Comments on Cal Advocates Settlement at 13-14.

²¹⁹ *Id.* at 15.

²²⁰ TURN Comments on Cal Advocates Settlement at 15.

be in the public interest to attach additional conditions to prevent the continuation of such pricing practices.

TURN notes that the \$275 million commitment in the Joint Applicants/CETF settlement is directed at upgrading legacy service territory rather than expanding into new service territory. TURN includes the Joint Applicants' 2022 announcement as evidence that the \$275 million commitment to upgrade legacy service is pre-planned rather than as a result of this transaction.²²¹ TURN advocates that it would be in the interest of California's public if the infrastructure investment commitment was similar to the New York State commitment, whereby the post-merger company committed to invest throughout the service territory, not just by upgrade legacy equipment. The post-merger company's commitment should be made transparent through reporting: including information on the investment itself, and who benefits from the investment.²²² These requests are reasonable to ensure that post-merger company infrastructure investments meet the expectations set by the Joint Applicants and promote the public interest.

TURN notes that the public benefits when there are clear requirements, such as requiring the Commission to be the \$8.25 million performance bond holder and ensuring that funding goes towards furthering the public interest.²²³

²²¹ TURN Comments on CETF Settlement at 14-15. *See* footnotes 57: Diana Goovaerts, Charter plots 3-Year Upgrade to Deploy DOCSIS 4.0 by 2025 (Dec. 14, 2022),

<https://www.fierce-network.com/broadband/charter-plots-3-year-upgrade-deploy-docsis-40-2025>.

²²² *Id.* at 16.

²²³ *Id.*

TURN understands that public safety is served by the imposition of service quality rules but looks towards the scope of Rulemaking 26-02-017 to develop wireless service regulatory standards.²²⁴

TURN urges the Commission to look at the Joint Applicants/CETF settlement commitment to provide free 500/20 Mbps service to 50 eligible anchor institutions for five years. TURN indicates that it would be to the public benefit for the post-merger company to explain that their provision of service is a condition of merger approval rather than an act of corporate benevolence. Additionally, a gap remains in that no Tribal institutions are included in the public benefit commitment.²²⁵

TURN cautions the Commission to consider whether the Joint Applicants/CETF settlement's commitment to apply for a single grant to provide service to unserved communities if a Broadband Equity, Access, and Deployment (BEAD) awardee fails. The question remains whether this commitment to act as a backstop BEAD results in the public benefit of actual broadband service to the unserved community.

TURN urges the Commission to reject the proposed settlements, propose alternative terms to prevent public interest harms, and implement its own conditions that benefit the public interest.²²⁶

13.7.4. Joint Advocates (CforAT, Media Alliance, CADE, FCDI, EBBC, and DELA)

The Joint Advocates indicate that the individual party settlements fail to sufficiently address the public safety issues currently present in Joint Applicants'

²²⁴ TURN Comments on Cal Advocates Settlement at 16.

²²⁵ TURN Comments on CETF Settlement at 19.

²²⁶ Reply Brief of TURN at 5.

service territories and fail to put forward mitigation commitments.²²⁷

Additionally, the Joint Advocates maintain that without evidentiary support, the claims made about single party settlement agreements' actual impact on the public benefits should be viewed with skepticism. Joint Applicants are also concerned that the single party settlement agreements do not create sufficiently robust, durable affordability benefits to future customers.²²⁸

13.7.5. CforAT

CforAT indicates that it supports the comments on the single party settlement agreements submitted by the Joint Advocates.²²⁹ CforAT additionally writes that the settlements do not include well-negotiated, enforceable terms; contain ambiguities and too many exceptions; and lack associated penalties to bind performance.²³⁰ These ambiguities provide the post-merger company the opportunity to avoid following through on their public benefit commitments, potentially leaving the public worse off.²³¹

CforAT states that because neither individual party settlement agreement addresses equity issues to mitigate harms to disadvantaged communities, or language ensuring that merger benefits are shared with people with disabilities, people of color, or low-income household, there is a known area of public interest that the single party settlement agreements fail to meet.²³²

²²⁷ Joint Reply Comments on Settlement Agreements at 10.

²²⁸ *Id.* at 13.

²²⁹ CforAT Settlement Comments at 4.

²³⁰ Center for Accessible Technology's Comments on Joint Motion of Charter and Public Advocates Office for Adoption of Settlement Agreement and Joint Motion of Chater Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement (CforAT Settlement Comments) at 1.

²³¹ CforAT Settlement Comments at 4.

²³² CforAT Settlement Comments at 2.

CforAT indicates that their party position is mischaracterized as to their intention and participation in this proceeding. CforAT fears that such a mischaracterization could be a harbinger of others included in the single party settlement agreements, meant to obfuscate a post-merger commitment to meet some aspects of the public interest and have the opposite effect.²³³

CforAT notes that the low-income plans put forward by both settlement agreements may provide more affordable service for a few years but may also result in customer confusion, which is not in the public interest.²³⁴

CforAT appreciates both Cal Advocates and CETF's attempts to negotiate with Joint Applicants. CforAT points out that although the single party settlement agreements are supposed to commit the post-merger company to nondiscriminatory pricing for new residential customers. However, discrepancies between the two individual party settlement agreements raise concerns that the post-merger company may be able to technically comply with the settlements while simultaneously achieving none of the anticipated outcomes.²³⁵

In another example, CforAT reminds the Commission that California LifeLine Broadband Pilot Program recipients receive \$20-\$30 per customer in ratepayer funding. Low-income customers will still have to pay between \$20-30 for service, which, according to the Cal Advocates report in the record, can exceed the affordability threshold for many.²³⁶ Therefore, the affordability terms negotiated by Cal Advocates and CETF in their single party settlement

²³³ *Id.* at 5.

²³⁴ *Id.* at 7-8.

²³⁵ *Id.* at 9.

²³⁶ *Id.* at 10.

agreements may not achieve the affordable service for customers across the post-merger company footprint.²³⁷ The public interest is served if the transaction enables a greater number of low-income Californians across the post-merger company footprint to have broadband connectivity.

CforAT note that the Commission can only understand if Joint Applicants' \$300,000 year commitment to market low-income programs is in the public interest by having a clear picture of Joint Applicants' current low-income program marketing spend.²³⁸ CforAT claims that the limitations and ambiguities in the post-merger company's spending commitment could render the commitment minimal and unhelpful.²³⁹

CforAT notes compliance with the Commission's supplier diversity reporting is a current legal and regulatory mandate, not an additional term of a settlement agreement, and therefore should not be considered a benefit of the transaction. Additionally, the public benefit of the proposed \$5 million Investment Loan Fund to fund undercapitalized businesses is ambiguous with an unclear impact, if not tracked and reported.²⁴⁰

CforAT questions the public benefits impact of the Joint Applicants/CETF single party settlement agreement that provides \$20 million dollars to CETF instead of spreading the funding around local organizations with the same mission.²⁴¹

²³⁷ *Id.*

²³⁸ *Id.* at 11-12.

²³⁹ *Id.* at 13.

²⁴⁰ *Id.* at 16-17.

²⁴¹ *Id.* at 18-22.

CforAT flags the concern that the \$275 million dollar commitment secured by CETF in its single party settlement is simply a repackaging of pre-transaction funding commitments already allocated to upgrade legacy infrastructure. If true, the significance of this commitment is reduced and not an additional public benefit associated with the transaction.²⁴²

CforAT indicates that the 13 exceptions to the post-merger company's non-discriminatory state-wide promotional pricing commitment indicates the many holes of that commitment and potential gaps in attaining the associated public interest benefit.²⁴³

CforAT indicates that the settlements lack commitment to further public safety.²⁴⁴

Finally, CforAT is unclear how the public will benefit from the post-merger company's decision to downgrade or disconnect its future customers for failure to pay for services if the decision lies squarely with the post-merger and there is no oversight.²⁴⁵

13.8. Discussion

Through dueling motions to strike filed in June of 2026, Joint Applicants, CETF, Cal Advocates, and the Joint Advocates, go to lengths arguing whether information can be considered, whether submitted through briefing or through comments on the settlement. Their arguments go towards how the Commission

²⁴² *Id.* at 23.

²⁴³ *Id.* at 26-27.

Id. at 28.

²⁴⁵ *Id.* at 28-29.

should weigh the information provided by each filing.²⁴⁶ As in every other instance, the Commission can weigh the information presented and balance its significance.

Per the language of the two settlement agreements, each agreement in and of itself resolves all of the concerns raised by the individual party via direct communication with Joint Applicants. There is no indication that Joint Applicants and either settling party considered the full panoply of issues raised in the proceeding by all of the parties and the public commenters. Nor is there any indication that Joint Applicants invited input on the ongoing settlement process from parties to the proceeding outside of their single party settlement collaborator. The Commission does not have either a partial or global settlement position before it to consider, rather, only the two single party settlements that craft agreements around individual party areas of concern.

Importantly, the terms of the two individual party settlement agreements developed by Joint Applicants and CETF and Joint Applicants and Cal Advocates, are a welcome commencement to determining a pathway to resolving this proceeding. CforAT, TURN, CADE, DELA, Media Alliance, EBBC, and FDCI, in various combinations, agree that the two settlement agreements move the transaction towards the public interest, but more is necessary to make

²⁴⁶ Joint Applicants' Joint Motion to Strike Portions of Joint Advocates' and Medial Alliance's Brief, June 17, 2026.

CforAT's Motions to strike a) the entirety of Cal Advocates' opening brief, b) entirety of California Emerging Technology Fund's opening and reply briefs, and c) portions of joint applicants' post-hearing Opening Brief and Reply Brief, June 9, 2026.

secure that actions taken by the post-merger company are measurable, verifiable actions in the public interest.²⁴⁷

CforAT's and TURN's skeptical looks at the single party settlement agreements is understandable when Joint Applicants fail to engage a number of the parties to a public proceeding to discuss settlement. Furthermore, their focus on the details of the settlement language is important because once the Commission finalizes a decision on the transaction, there are few venues by which the Commission may revisit or intervene in the future.

We agree that there are some significant procedural and term-specific concerns with the two individual party settlement agreements and these concerns implicate the public interest outcomes of the transaction. Accordingly, we cannot find that the settlement agreements are in the public interest without modification. We discuss the modifications below.

14. Modifications to Settlement Agreements

Given the due process concerns and valid criticisms of the proposed settlements from the parties, the best choice for the Commission is to modify the proposed settlements. Approving the proposed settlements as-is would not be consistent with the requirements that the settlements are reasonable in light of the whole record, consistent with the law, and in the public interest. However, rejecting the proposed settlements and requiring the parties to litigate would fail to take advantage of the initiatives they have agreed upon, and at this stage of the proceeding would be less efficient.

Our authority to modify the settlements rests in Rule 12.4(c) and 1.2. While we do not formally reject the settlements for the reasons stated above, our

²⁴⁷ Joint Reply Comments on Charter Settlement Agreements with the California Emerging Technology Fund & The Public Advocates Office (Joint Advocates Settlement Reply) at 3.

authority under Rule 1.2 allows us to liberally construe Rule 12.4(c) to secure a just, speedy, and inexpensive determination of the issues presented within the extent permitted by statute. No statute requires us to formally reject a settlement before providing modifications, therefore, we approve one Joint Settlement that contains terms from the two individual settlements with the modifications and additions listed below.

We note that the Commission previously adopted a similar approach.²⁴⁸

14.1. Proposed Modifications

Based on the two individual party settlement agreements, we could adopt a unified Joint Settlement with several modifications and additions for consideration and adoption by parties to this proceeding as the conditions for Commission approval of this transaction. A Joint Settlement that supersedes the terms of the two individual party settlement agreements is necessary to address the subordination clause contained within the Joint Applicant/CETF settlement agreement and potential inconsistencies between the settlement agreements.

An acceptable Joint Settlement includes all terms from the Joint Applicants/ CETF and Joint Applicants/ Cal Advocates settlements with modified timeframes, increased oversight, and additional conditions, as follows:

- A. Any condition without a corresponding time component has a default 10-year time commitment.
- B. Any indication of an annual filing, annual report, or report to the Commission requires submission on a March 1 timetable via a Tier 1 advice letter.
- C. The post-merger company shall ensure that any promotional pricing plan for fixed broadband, fiber, fixed wireless and mobile services provided to any geographic location is equally available across its footprint.

²⁴⁸ See, e.g., D.20-02-036 (proposing alternatives terms to parties' settlements);

- D. The post-merger company will maintain its low-income service offering(s), as described, with its pricing commitments, as indicated in Joint Applicants' party settlements for, at minimum, eight years.²⁴⁹
- E. The post-merger company will offer the *California Affordable Internet Service Tier* across its entire footprint, with no long-term contracts or early termination fees, for eight years.
- F. The post-merger company commits to ensuring that all new and existing low-income customers across the service footprint will have access to four *New California LifeLine Service Tiers*, for eight years.
- G. The Standalone Non-LifeLine Service Tier will similarly be available for eight years.
- H. The embedded assumption that the customer must maintain their applicable low-income eligibility status at the time of the closing of the transaction is removed from the commitment that the post-merger company will allow its customers to remain on whatever low-income plans that they are currently on for a minimum of five years after the close of the transaction.
- I. The post-merger company should provide its call center employee low-income customer training material to the Commission in its annual report.
- J. To augment the commitment to serve as a broadband provider backstop, in the event that provisional BEAD awards do not receive final approval, the post-merger company is required to build out the last-mile broadband infrastructure to the impacted area irrespective of the post-merger company's ability to seek state or federal funding.

²⁴⁹ Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement at 10: Joint Applicants indicate that their five-year commitment to providing their *California Affordable Internet Service Tier* will provide, "stable, long-term access that low-income families and digitally disadvantaged households need to remain connected."

- K. Within 45 days of a BEAD award denial by the National Telecommunications and Information Administration, the post-merger company, as backstop, shall notify all impacted residence and business locations with a hardcopy flyer notification, include a notice in a local newspaper, and outreach to local community development organizations. The notification must include the following information: 1) that the post-merger company is taking over the obligation to deploy last-mile broadband infrastructure to that location; 2) detail any broadband grant funding applications that the post-merger company is applying to while commencing deployment planning and construction, include any additional information about the grant funding available for an interested reader; 3) provide the estimated date that service will become available at that location; and 4) provide the notice to the Chair and Vice Chair of the California State Assembly Committee on Communications and Conveyance, the Chair and Vice Chair of the Senate Standing Committee on Energy, Utilities and Communications, the President of the Commission.
- L. The post-merger company will increase its eligible anchor institution commitment to providing free 500/20 Mbps service by adding five additional Tribal anchor institutions upon receiving direction after Tribal consultation, bringing their commitment to fifty-three (53) eligible anchor institutions. These anchor institutions will be identified in the March 1, Annual Reports annually.
- M. The post-merger company will continue to report its outreach and focus on small businesses and supplier diversity, including in economically disadvantaged communities in California, in its March 1, Annual Report to the Commission.
- N. The post-merger company shall report its success in incorporating candidates from ESJ communities, including ESJ hiring data, hiring outreach methods, changes, and updates, for ten (10) years starting with the March 1, 2027 Annual Report to the Commission.

- O. Any investment in Community Development Financial Institutions will be reported to the Commission in the post-merger company's March 1, Annual Report.
- P. To augment the post-merger company's commitment to outreach to small businesses, the post-merger company will continue to report its procurement, its targets, and its actual spending in its March 1, Annual Report to the Commission.
- Q. The \$300,000+ minimum per year low-income plan marketing spend commitment requires a commitment to target areas with high eligibility, and be provided in multiple languages and accessible formats. Additionally, the marketing materials must be made available in physical form, not just internet-based.
- R. There post-merger company will confirm that there is no 30-day waiting period to qualify for low-income programs. No waiting period may apply to any new programs established under The Joint Settlement.
- S. Language characterizing the positions of CofAT, TURN, and the Joint Advocates is removed.²⁵⁰
- T. Disbursements from the post-merger company's \$5 million Investment Loan Fund commitment must be reported in the post-merger company's annual report to the Commission.

14.2. Additions to The Joint Settlement

An acceptable Joint Settlement includes the following additional terms:

- U. Low-income plan customers will not have to pay for rental equipment.

²⁵⁰ In its June 1, 2026, Comments on the Joint Motion for Settlement, CforAT stated Charter and Cal Advocates mischaracterized CforAT's motivations in the preceding with the statement, "WHEREAS, . . CforAT disputed the public interest benefits of the Transfer and the Transfer and Transaction and intervened in Proceeding A.25-07-016 as a means to resolve those disputes." CforAT argued this clause should be stricken from the settlement agreement. CforAT Comments at 5.

- V. The post-merger company will file any reporting or compliance material described in either single party settlement agreement to the Commission's Communication Division via a Tier 1 advice letter, made available to parties to this proceeding upon request. A list of all reporting and compliance materials submitted will be included in the post-merger company's March 1, Annual Report to the Commission.
- W. Within three (3) years of the effective date of this decision, the post-merger company shall deploy DOCSIS 4.0 or fiber to the home (FTTH) to 6,000 unserved and underserved locations within the footprint of the post-merger company. Within six (6) months of the effective date of this decision approving, the post-merger company will provide a FTTH and DOCSIS 4.0 build-out plan report with a summary of the build-out plan to include, at minimum, a matrix list of locations, technology, service tiers, and pricing to the Commission. The report shall contain an executive summary, a detailed description of process and maps of the build-out to be supplied to the Commission via a Tier 1 advice letter. The report will be updated and provided to the Commission in the post-merger company's March 1, Annual Report.
- X. The \$8.5 million performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. The Commission shall use the performance bond to support any public interest commitments the post-merger company fails to meet.
- Y. The post-merger company shall maintain and not decrease funding for its community investment programs for at least ten years. The post-merger company shall include the details of its community investment funding programs in its March 1, Annual Report filings to the Commission.

14.3. Election to Accept the Joint Settlement

Pursuant to Rule 12.4(c), the Commission may propose alternative terms to the parties to a settlement and allow the parties a reasonable time to elect to accept such terms or request other relief. The modifications to the proposed settlement set forth in this decision constitute such, “alternative terms,” and result in a Joint Settlement. Parties have 15 days from the service of this proposed decision to file and serve a motion accepting the modifications to the proposed settlements or requesting other relief. Any such motion has a limit of 15 pages.

15. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. The public comments were summarized the Public Expectations section, above.

16. Procedural Matters

This decision affirms all rulings made by the ALJ and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

17. Comments on Proposed Decision

The proposed decision of ALJ Jamie Ormond in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311 and comments are allowed under Rule 14.3 of the Commission’s Rules of Practice and Procedure.

18. Assignment of Proceeding

Matthew Baker is the assigned Commissioner and Jamie Ormond is the assigned ALJ and Presiding Officer in this proceeding.

Findings of Fact

1. Charter, Charter Holdings, and Cox, are Joint Applicants to A.25-07-016.
2. Charter, its subsidiary Charter Holdings, and CEI, entered into a transaction where CEI's subsidiary, Cox, would be acquired by Charter. Cox California is a subsidiary of Cox, and will become a subsidiary of Charter.
3. Cox California operates in California under utility number U-5684-C.
4. Joint Applicants, and through subsidiaries, operate and provide a vast array of communications services, including but not limited to: residential, business, and enterprise broadband service, cable, residential and business services such as internet, video services, streaming video services, mobile wireless services, mobile voice and data service, VoIP, managed cloud services, security, enterprise Internet, networking products, and residential, business, and enterprise voice service.
5. Charter serves over 31.2 million communications services customers with a residential footprint across 41 states, including California, and an even larger business communications services footprint. Cox, to be acquired by Charter, provides communications services across 18 states, including California.
6. CforAT filed motions to strike portions of Joint Applicants' opening and reply briefs and the entirety of Cal Advocates' opening brief.
7. Joint Applicants filed a motion to strike portions of the Joint Advocates' and Media Alliance's opening briefs and the Joint Advocates' reply brief.
8. PPHs held virtually and in person in Los Angeles and National City clarified that customers supported approval of the transaction with the expectation that the post-merger company would provide high quality, resilient broadband and other telecommunications services across the state, to unserved and underserved locations, at significantly reduced bills, price flexibility, no

termination fees. The post-merger company would provide network investment and deployment in rural and Tribal communities, workforce training, skilled jobs, local investment tied to economic development for communities, digital literacy, guaranteed affordable service, removal of 30-day waiting periods to access low-income plans. The post-merger company would provide superior treatment to PEG channels.

9. PEG channels provide public benefits and there is a need to ensure they are treated lawfully by the post-merger company.

10. Joint Applicants failed to demonstrate that the transaction will not result in a significant adverse impact to PEG channels.

11. CETF and the Joint Advocates identified concerns with the post-merger company's customer service and ESJ community notifications.

12. Joint Applicants fail to demonstrate that the transaction will maintain or improve the quality of these services.

13. There is a historical dearth of service on Tribal lands.

14. Goal 3.4 of the ESJ Action Plan is to extend essential communication services to ESJ communities, including Tribal lands.

15. Joint Applicants fail to demonstrate that the transaction will positively impact Tribal communities and further Goal 3.4.

16. There is an express public interest in ensuring the post-merger company provides access to high-quality, affordable internet in unserved and underserved communities.

17. Joint Applicants fail to demonstrate that the transaction will maintain or improve the quality of these services.

18. The record reflects a concern that the post-merger company's pricing practices and reimbursement of non-planned outages may adversely impact consumers and not meet public expectations.

19. Joint Applicants fail to demonstrate that the transaction will not have an adverse impact on consumers in these areas.

20. Joint Applicants' commitment to the goals of the ESJ Action Plan requires augmentation to find that the Joint Application is in the public interest.

21. Joint Applicants failed to present measurable and verifiable commitments to the goals of the ESJ Action Plan.

22. A significant portion of service outages occur because of power outages.

23. To improve public safety outcomes and increase public safety and communications resiliency resulting from the transaction, especially during natural disasters, mitigation measures must be implemented, tracked, and reported.

24. Joint Applicants fail to commit to deploy new infrastructure to provide highspeed broadband to unserved and underserved in its footprint.

25. Joint Applicants reached agreement and settled all issues raised by Cal Advocates.

26. Joint Applicants and CETF developed an MOU, resolving all concerns raised by CETF.

27. Joint Applicants and CETF indicate that as a result of urgency they would act in good faith to accelerate the Commission's adoption of their settlements by June 30, 2026.

28. Joint Applicants and CETF failed to justify their urgency request, as required by Rule 12.1(c).

29. Parties had notice that the Commission would apply Pub. Util. Code Sections 854(a), (b), and (c), when considering the application.

30. The Commission sought an advisory opinion from the Attorney General regarding whether competition will be adversely affected and the Attorney General declined to provide a formal opinion, as required by Pub. Util. Code Section 854(b).

31. Joint Applicants have failed to put forward measurable, verifiable, and enforceable commitments necessary to approve the transaction under Pub. Util. Code Section 854(a), (b), and (c) without the incorporation of mitigation measures and modifications to the settlement agreements.

32. Joint Applicants have failed to put forward measurable, verifiable, and enforceable commitments necessary to find that the transaction will not impact ESJ Communities and public safety without the incorporation of mitigation measures and modification to the settlement agreements.

33. Mitigation measures are necessary to prevent significant adverse consequences that may result from the proposed transaction, per Pub. Util. Code Section 854(c)(8).

34. The MOU between the Joint Applicants and CETF states that to “the extent any conflict or inconsistency exists between this MOU and the Cal Advocates Settlement Agreement, the terms of this MOU shall control.”

35. The Joint Applicants/ CETF and Joint Applicants/ Cal Advocates settlement agreements are not reasonable in light of the whole record, consistent with the law, and in the public interest without modifications.

36. The Joint Settlement incorporates the two single party settlement agreements included with this decision as Attachments A and B into one Joint

Settlement, with the modifications and additions described in Sections 14.1 and 14.2 of this decision.

Conclusions of Law

1. The Commission should apply the requirements of Pub. Util. Code Section 854(a), (b), and (c) when considering the Joint Application.
2. It is reasonable to require additional mitigation measures pursuant to Pub. Util. Code Section 854(c)(8) to address significant adverse impacts associated with the Joint Application.
3. It is reasonable to require the post-merger company to audit its relationships with all of the PEG channels in its footprint and report to the Commission via a Tier 1 advice letter detailing the parameters of its PEG channel relationships as described in this decision.
4. It is reasonable to require the post-merger company to broadcast all PEG programming throughout its footprint in HD streaming quality, to make PEG programming schedules be made available on all electronic programming guides and, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.
5. It is reasonable to require the post-merger company to report to the Commission via a Tier 1 advice letter a description of its employees who provide customer service to California customers, including low-income customers, and describe modifications made to customer service in response to this Decision, including scripts, new training models, and details around the modifications made to mitigate low-income customer upselling practices; as well as the changes that have occurred to the California-based workforce as a result of the merger, including the new and additional foreseeable workforce benefits stemming from the transaction.

6. It is reasonable to require the post-merger company to send a welcome letter or notice, approved by the Commission's Public Advisor's Office, to its customers within 45 days of the issuance date of this decision. The letter or notice should include information about payment options, the California Customer Hotline, the post-merger company's income-qualified programs, federal Lifeline and California LifeLine options, and any other customer service information related to the transition, merger, and considerations therein.

7. It is reasonable to require the post-merger company to establish a dedicated California customer hotline number to be available 12 hours per day from 8:00 AM - 8:00 PM Pacific Time for two (2) years within 30 days of the issuance date of this decision. The customer hotline will be staffed by multilingual, human operators located in California, who will offer to look at a caller's bill to determine if a lower cost option is available and how to change plans, assist with consumer questions, concerns, and complaints related to the transfer of control. This dedicated California customer hotline will be separate and in addition to General Order 133 Customer Service Standards, obligations to provide basic service or any successor obligations, post-merger company transfer of control conditions, and settlements and conditions listed in this document.

8. It is reasonable to require the post-merger company to advertise the price, eligibility, available locations, and information of its service plans to inform a customer's decision about service plan options, including California LifeLine for a period of five years after the issuance date of this decision. Advertising shall be visible at all post-merger company stores, available digitally on all of the post-merger company's websites with dedicated visible webpages, and on company social media profiles.

9. It is reasonable to require the post-merger company to provide dedicated live customer support services with staff trained for Californians with disabilities, supporting, at a minimum, RTT, Baudot code, audio, and video (American Sign Language) from 9 am to 5 pm, 7 days a week, within six months of the issuance date of this decision.

10. It is reasonable to require the post-merger company to submit a report to Communications Division via a Tier 1 advice letter that reports on G.O. 133-E Out of Service metrics on Tribal lands within the post-merger company footprint on March 1, 2027, and then annually for the next ten years.

11. It is reasonable to require the post-merger company to offer California LifeLine, including the standalone and broadband bundle options, throughout the post-merger service territory for a period of no less than ten (10) years or until December 31, 2036. The post-merger company should participate in the California LifeLine Home Broadband Pilot for the duration of the pilot program, and program extension, or permanent program as part of California LifeLine for no less than fifteen (15) years or until December 31, 2041. For a period of ten (10) years after the Commission Decision, the post-merger company should not raise the price of services for income-qualified program.

12. It is reasonable that the post-merger company will file an annual attestation, to Communications Division via a Tier 1 advice letter, that its low-income service offerings remain available to customers at those prices.

13. It is reasonable to require the post-merger company to offer and make available the highest broadband speed and lowest priced service plan available to all California consumers located in the post-merger company's footprint. Joint Applicants should remove the 30-day moratorium on any plan changes for all

Californians in an effort to reduce the barrier to broadband affordability, the primary barrier to connectivity.

14. It is reasonable to require the post-merger company to ensure that any promotional pricing plan for fixed broadband, fiber, fixed wireless and mobile services provided to any geographic location is equally available across its footprint.

15. It is reasonable to require the post-merger company to automatically issue a customer credit equal to 1/30th of the monthly price of the service for each day the service outage lasts two-hours or more. This customer credit should be reflected on the customer's bill within 60 days after the last day of the billing period during which the customer experienced a service outage lasting two hours or more. The automatic customer credit applies only to charges associated with the service.

16. It is reasonable to require the post-merger company to identify the Tribal communities in its service area, as required by this decision.

17. It is reasonable to require the post-merger company to provide a Broadband Field Technician Apprenticeship Program for hiring California technicians to promote high road career paths and economic opportunities. The post-merger company shall submit an update, detailing its program and progress via its March 1, 2027, Annual Report to the Commission, and annually thereafter. The post-merger company may consider partnership with the California State University System or the California Communication Colleges. To promote high road career paths and economic opportunities in ESJ communities, the post-merger company should make additional effort to search for candidates within the ESJ and Tribal communities in its footprint. Additionally, the post-merger company will provide opportunity to participate in workforce

development programs via University of California Native American Opportunity Plan.

18. It is reasonable to require the post-merger company to include a report detailing its success in incorporating candidates from ESJ communities, including ESJ hiring data, hiring outreach methods, changes, and updates, for ten (10) years starting with the March 1, 2027, Annual Compliance Report to the Commission.

19. It is reasonable to require the post-merger company to make available to all new residential wireline voice service customers in California access to at least one battery backup solution that provides 72 hours of standby time.

20. It is reasonable to require the post-merger company to provide an annual notice to all their residential wireline voice service customers in California disclosing relevant information regarding battery backup solutions. The post-merger company should include this notice in its March 1 Annual Compliance Reports.

21. It is reasonable to require the post-merger company to update its California networks to be capable of offering symmetric internet access service with download/upload speeds up to 1/1 gigabit per-second throughout its footprint.

22. Within nine months of the effective date of this decision, it is reasonable to require the post-merger company to submit its buildout plans with identified locations and timeline milestones to connection to the Commission via a Tier 1 advice letter.

23. It is reasonable to require the post-merger company to submit its updated buildout plans, identified locations, and connections to the Commission in its annual reports.

24. It is reasonable to combine the single party settlement agreements developed by Joint Applicants and CETF and Joint Applicants and Cal Advocates and create a Joint Settlement.

25. It is reasonable to adopt modifications to the single party settlement agreements developed by Joint Applicants and CETF and Cal Advocates and Cal Advocates so that it is reasonable in light of the whole record, consistent with the law, and in the public interest.

26. It is reasonable to allow parties 15 days with which to file a motion electing to accept the terms of the Joint Settlement or to request other relief.

27. It is reasonable to approve the Joint Settlement because it is reasonable in light of the whole record, consistent with law, and in the public interest.

28. It is reasonable to grant approval of the indirect transfer of control subject to the terms of the Joint Settlement and the mitigation measures adopted pursuant to Pub. Util. Code Section 854(c)(8).

29. It is reasonable to deny Joint Applicants' and CETF's request to expedite adoption of their settlement agreement.

30. Any pending motions that are not expressly ruled upon by the assigned ALJ or the Commission should be denied.

31. The proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The post-merger company shall audit its relationships with all of the Public, Educational, or Governmental (PEG) channels in its footprint and report to the Commission via a Tier 1 advice letter detailing the parameters of its PEG channel relationships as described in this decision.

2. The post-merger company shall broadcast all PEG programming throughout its entire footprint in HD streaming quality, to make PEG programming schedules be made available on all electronic programming guides and, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.

3. The post-merger company shall report to the Commission via a Tier 1 advice letter describing its employees who provide customer service to California customers, including low-income customers, that describes modifications made to customer service in response to this Decision, including scripts, new training models, and details around the modifications made to mitigate low-income customer upselling practices; as well as the changes that have occurred to the California-based workforce as a result of the merger, and the new and additional foreseeable workforce benefits stemming from the transaction.

4. The post-merger company shall send a welcome letter or notice, approved by the Commission's Public Advisor's Office, to its customers within 45 days of the issuance date of this decision. The letter or notice shall include information about payment options, the California Customer Hotline, the post-merger company's income-qualified programs, federal Lifeline and California LifeLine options, and any other customer service information related to the transition, merger, and considerations therein. Notification about clause (c), below, shall also be included in the welcome letter.

5. The post-merger company shall file an annual attestation to Communications Division via a Tier 1 advice letter, that its low-income service offerings remain available to customers at those prices.

6. The post-merger company shall establish a dedicated California customer hotline number to be available 12 hours per day from 8:00 AM - 8:00 PM Pacific Time for two (2) years within 30 days of the issuance date of this decision. The customer hotline will be staffed by multilingual, human operators located in California who will offer to look at a caller's bill to determine if a lower cost option is available and how to change plans, assist with consumer questions, concerns, and complaints related to the transfer of control. This dedicated California customer hotline will be separate and in addition to General Order 133 Customer Service Standards, obligations to provide basic service or any successor obligations, post-merger company transfer of control conditions, and settlements and conditions listed in this document.

7. The post-merger company shall advertise the price, eligibility, available locations, and information of its service plans to inform a customer's decision about service plan options, including California LifeLine for a period of five years after the issuance date of this decision. Advertising shall be visible at all post-merger company stores, available digitally on all of the post-merger company's websites with dedicated visible webpages, and on company social media profiles.

8. The post-merger company shall provide dedicated live customer support services with staff trained for Californians with disabilities, supporting, at a minimum, real-time text, Baudot code, audio, and video (American Sign Language) from 9 a.m. to 5 p.m., seven days a week, within six months of the issuance date of this decision.

9. The post-merger company shall submit a report to Communications Division a Tier 1 advice letter that reports on General Order 133-E Out of Service

metrics on Tribal lands within the post-merger company footprint on March 1, 2027, and then annually for the next ten years.

10. The post-merger company shall offer California LifeLine, including the standalone and broadband bundle options, throughout the post-merger service territory for a period no less than ten (10) years or until December 31, 2036. The post-merger company shall participate in the California LifeLine Home Broadband Pilot for the duration of the pilot program, and program extension, or permanent program as part of California LifeLine for no less than fifteen (15) years or until December 31, 2041. For a period of ten (10) years after the Commission Decision, the post-merger company shall not raise the price of services for income-qualified program.

11. The post-merger company shall offer and make available the highest broadband speed and lowest priced service plan available to all California consumers located in the post-merger company's footprint. Joint Applicants shall remove the 30-day moratorium on any plan changes for all Californians in an effort to reduce the barrier to broadband affordability, the primary barrier to connectivity.

12. The post-merger company shall ensure that any promotional pricing plan for fixed broadband, fiber, fixed wireless and mobile services provided to any geographic location is equally available across its footprint.

13. The post-merger company shall automatically issue a customer credit equal to 1/30th of the monthly price of the service for each day the service outage lasts two-hours or more. This customer credit shall be reflected on the customer's bill within 60 days after the last day of the billing period during which the customer experienced a service outage lasting two hours or more. The automatic customer credit applies only to charges associated with the service.

14. The post-merger company shall ensure that any pricing plan available to any geographic location is equally available across its footprint.

15. The post-merger company shall identify the Tribal communities in its service area, as required by this decision.

16. The post-merger company shall provide a Broadband Field Technician Apprenticeship Program for hiring California technicians to promote high road career paths and economic opportunities. The post-merger company shall submit an update, detailing its program and progress via its March 1, 2027, Annual Report to the Commission, and annually thereafter. The post-merger company may consider partnership with the California State University System or the California Communication Colleges. To promote high road career paths and economic opportunities in Environmental and Social Justice (ESJ) communities, the post-merger company should make additional effort to search for candidates within the ESJ and Tribal communities in its footprint. Additionally, the post-merger company shall provide opportunity to participate in workforce development programs via University of California Native American Opportunity Plan.

17. The post-merger company shall include a report detailing its success in incorporating candidates from Environmental and Social Justice (ESJ) communities, including ESJ hiring data, hiring outreach methods, changes, and updates, for ten (10) years starting with the March 1, 2027, Annual Compliance Report to the Commission

18. The post-merger company shall make available to all new residential wireline voice service customers in California access to at least one battery backup solution that provides 72 hours of standby time.

19. The post-merger company shall provide an annual notice to all their residential wireline voice service customers in California disclosing relevant information regarding battery backup solutions. The post-merger company shall include this notice in its March 1 Annual Compliance Reports.

20. The post-merger company shall update its California networks to be capable of offering symmetric internet access service with download/upload speeds up to 1/1 gigabit per-second throughout its footprint.

21. Within nine months of the effective date of this decision, it is the post-merger company shall submit its buildout plans with identified locations and timeline milestones to connection to the Commission via a Tier 1 advice letter.

22. The post-merger company shall submit its updated buildout plans, identified locations, and connections to the Commission in its annual reports.

23. The Joint Settlement, including all the terms and conditions put forward in the two single party settlement agreements attached to this decision as Attachments A and B and modified as described in Section 14.1 and Section 14.2 of this decision, is approved.

24. Parties have 15 days from the service of this proposed decision to file and serve a motion accepting the Joint Settlement or requesting other relief.

25. The request for expedited treatment of the settlement agreement between Charter Communications, Inc., Charter Holdings, LLC, Cox Enterprises, Inc., Cox California Telecom, and California Emerging Technology Fund is denied.

26. All outstanding motions filed in this proceeding that have not yet been ruled on are denied.

27. Application 25-07-016 is closed.

This order is effective today.

Dated _____, at San Francisco, California.