BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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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 (U-5684-C)	Application 25-07-016 (Filed July 30, 2025)

OPPOSITION TO MOTION TO STRIKE MEDIA ALLIANCE OPENING BRIEF

/S/ Tracy Rosenberg
Executive Director
Media Alliance
2830 20th Street
San Francisco CA 94110

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San Francisco, California

OPPOSITION TO MOTION TO STRIKE MEDIA ALLIANCE OPENING BRIEF

Since 1976, Media Alliance has been organized to represent the mutual interests of communication professionals across the public interest sector, including both working and citizen journalists and nonprofit practitioners of storytelling, communications and advocacy. Our members across California share a keen dedication to the free flow of information and the ability to practice their craft without inordinate barriers and obstacles. The use of communications infrastructure, including voice and digital platforms is a crucial element of such work, which simply cannot be performed without reliable, ubiquitous and affordable tools and infrastructure. Mergers of telecommunications and cable carriers which has greatly enhanced concentration has had, and continues to have, sustained negative impacts on our constituents. In particular, we seek in this proceeding to speak clearly on behalf of workers, volunteers, users and audiences of public benefit channels in alignment with our mission to support community-based media work.

Before we begin substantive discussion, we would like to make a few disclaimers. Firstly, this opposition statement is specific to Media Alliance's Opening Brief. While we were signatories to several Joint Advocates filings, we cannot and would not try to speak unilaterally on that group's behalf and are not doing so. They will file their own response to the motion with respect to their named filings.

Secondarily, we regret this lawfare type of dialogue. It is not easy for a small organization like ourselves to participate in these hearings without a dime of intervenor or any other kind of compensation. We regret greatly the allocation of time away from substantive discussion of issues raised in our brief and the public interest impacts – which is the only issue that we came here to discuss.

In summary, Media Alliance's brief should not be struck. The issues it discusses, which are highly relevant to any discussion of voluntary or involuntary public interest commitments of the Joint Applicants and which were specifically scoped into the proceeding by the ALJ.

In specific response to the points raised in the Motion to Strike multiple briefs that are particularly directed at our brief, we would offer the following arguments.

Media Alliance submitted supplemental testimony on March 30, 2026 specifically for the purpose of entering into the record of the proceeding two documents that we anticipated discussing in our opening brief and throughout the remainder of the briefing. The documents were filed with the Commission as supplemental testimony and served to the entire service list. They consisted of sample invoices sent to public benefit channels by the Joint Applicants in their service areas, which in our view were improper, inasmuch as the Joint Applicants are supposed to be funding the channels – not defunding them. We will note for the record that one of the recipients of these invoices, KOCT in Oceanside, California, a 42-year old channel, has recently announced an intention to dissolve due to financial problems at least partially caused by these improper billings. This, to be direct, is the process that we are hoping to halt in the Applicants service area by our participation in this proceeding. It will be a great loss to the community.

We regret our lack of participation in the evidentiary hearings, and have apologized for such. Media Alliance, and related organizations for which the author performs as an advocacy director, are active in the state legislative process (as the Commission knows) and the week of the evidentiary hearings in late April was the concluding week of first house policy committees. We had binding commitments in Sacramento that week we were required to fulfill and could not spend the better part of 4 days on a WebEx screen. We informed the Commission of such, and expressed our regret that the timing was difficult for us. It disturbs us to see that weaponized in this motion against the interests we seek to represent, who are community organizations performing dedicated labor without adequate compensation to increase access to governmental proceedings, provide educational opportunities, promote community voices, provide civic information and highlight regional events.

With regard to the items submitted to the Commission, they were submitted for informational purposes and as examples of the charges we are concerned with. As a party to the proceeding, we had the right to make a discovery claim for, literally, all of the invoices charged to public benefit channels. We chose not to do that in order to limit delays to the proceeding and because we felt a modest quality of examples would serve to illustrate the necessary points. If the Joint Applicants would have preferred a full discovery request, that was certainly an option that could have been pursued and can still be pursued if the Commission so desires.

Our intent with putting a few examples into the proceeding record was to provide relevant documentation. It is an overstatement to declare, as the Joint Applicants would have it, that we alleged overcharging. We alleged that the charges were being made, which the documents demonstrate and that the practical effects of such charges are to defund mandatory public benefits for video franchise providers and negate the value of franchise fees paid to municipalities. We would prefer substantive discussion regarding this invoicing and its impact on communities and the public interest to this attempt to suppress the documents. We have never received any substantive response from the Joint Applicants, besides procedural hockey, to the documents, and we find that disappointing.

We also believe the performance by the applicants of the provision of their legally required public interest contributions as standing video franchise providers is highly relevant to ongoing promises of other public interest voluntary contributions and the context of the proposed settlements as they point to some undermining of commitments that serve to give with one hand while taking away with another so that in the end communities do not get what they are entitled to receive. The coming dissolution of KOCT points to the negative public interest impacts.

We also note that the Joint Applicants had every opportunity to reply to the arguments raised in our Opening Brief via their reply comments and chose to entirely avoid any substantive comments regarding whether these invoices were a) properly charged or b) represented a net gain or loss for the public interest. The Joint Applicants response during reply to our Opening Brief consisted of three specific points – all procedural in nature and frankly positioned as attacks on our organization:

1. Channel-slamming behavior engaged in by Joint Applicant Charter was in other states.

2. Media Alliance did not participate in evidentiary hearings

3. The Commission does not enforce the state video franchising law DIVCA

These three points are all nonresponsive and nonsubstantive for reasons provided in the Joint Advocates Reply Brief, that we can summarize as follows: information regarding the Joint Applicants behavior in other states was provided to demonstrate a pattern and practice and to support a need for injunctive relief in the conditions to be imposed in this merger proceeding, the continued weaponization of our organizational size and time constraints is unseemly, and the request to the Commission is not to enforce DIVCA but to recognize that there have been problems with the delivery of mandated public benefits and that the merger proceeding is an opportunity to correct those problems going forward and ensure that public interest concerns are better addressed in the future as the Commission's responsibility is to ensure that the public benefits of the merger exceed the potential harms.

We would have welcomed a substantive discussion of the submitted invoices and why they exist, or a commitment from the Joint Applicants that behavior engaged in in other states would not be engaged in California. We would still welcome such discussion or commitments if the Joint Applicants would choose to engage in such. Instead what we have in front of us is a motion to suppress the documents and avoid such discussion. To us, that is an indication that charges that will continue, and problematic behavior may ensue without corrective action from the Commission, which we are and will continue to request. We would love to be proven wrong by the Joint Applicants, but the ball is in their court.

THE COMMISSION IS ALLOWED TO DISCUSS PUBLIC INTEREST BENEFITS IN MERGER PROCEEDINGS

The Joint Applicants ardently argue that enforcement of DIVCA is the province of the courts and not the Commission. They are correct as far as that goes, the Commission is not suing the Joint Applicants in state court and this is a merger proceeding not litigation. We are not asking the Commission to enforce DIVCA. The Joint Applicants have peppered the Commission with grandiose statements about the community benefits of the merger and recruited nonprofit organizations across their service area to promote the merger on the basis of commitments for financial contributions to benefit communities. We are pointing out areas where communities are not benefiting, but are being harmed and some legally required commitments for public benefits are seemingly not being fulfilled. The Joint Applicants cannot have it both ways. If community benefits are to be discussed in the proceeding, then all community benefits and harms can be discussed in the proceeding. DIVCA violations are a matter of law. The provision of community benefits is a matter of choices made by the Applicants and they always have the choice to be abundant and generous or to give short shrift and create harm and negative community impact. What they choose, with regard to both voluntary commitments and legally required commitments is highly relevant to an analysis of the benefits of the merger to the public.

PIECES OF PAPER ARE NOT TRUE OR FALSE, THEY ARE JUST FACTS

The Joint Applicants ardently argue that they have not been allowed to comment on the "falsity" of the submitted invoices and price lists. Unless they are trying to claim they are forgeries, which they are not, documents such as invoices and price lists are not true or false, they are simply pieces of paper for review because they exist. What they say about the public benefits impact of the merger are for the Commission to decide. We have opinions about that, which we have presented. The Joint Applicants seem to have opinions about that, which they have largely chosen not to present in reply comments despite an ample opportunity to do so. Attempting to suppress the documents, as the motion to strike does, suggests an inability or unwillingness to do so. Therefore we conclude that the arguments we are making, that these documents represent evidence of public interest harms, are likely correct and that mitigations by way of merger conditions are appropriate and necessary as an outcome of this merger review proceeding.

CHARTER'S CLAIMS THAT PEG FEES CONSTITUTED A TAX UNDER PROPOSITION 26 IN CAPITOLA AND OTHER CITIES IN THEIR SERVICE AREA WERE REBUTTED BY THE CALIFORNIA ATTORNEY GENERAL IN DECISION 13-403

Joint Applicant Charter engaged in a multi-year refusal to pay PEG fees under DIVCA in Capitola and other cities based on a bogus claim that the fees constituted a tax under California's Proposition 26 and required a 2/3 vote of approval by residents. The California Attorney General issued Decision 13-403 rebutting that argument. [1] It was the behavior of Joint Applicant Charter, alone among California's video franchise holders that caused that opinion to be issued. No doubt the Joint Applicants will now argue that this AG opinion must be disregarded as it is not properly submitted into evidence. We would be happy (well, not happy but willing) to submit a motion for judicial notice if the Commission desires us to do so, but in the end this is a factual matter. The Joint Applicant's behavior caused a great deal of financial stress to Community Television of Santa Cruz County, the provider.

ALJ RULING OF 3/18 ALREADY SCOPED THE ISSUES RAISED IN MEDIA ALLIANCE'S BRIEF INTO THE PROCEEDING

On March 18, the ALJ issued a ruling. In the ruling the ALJ stated:

To ensure that the proposed transaction will meet and exceed the expectations described by its public supporters and meet the requirements of Public Utilities Code Section 854, the Commission requires Joint Applicants to provide the following detailed information in response to comments made at the recently completely public participation hearings.4 Joint Applicants shall provide the following

[1] https://oag.ca.gov/system/files/opinions/pdfs/13-403_1.pdf

additional details about the proposed transaction and post-merger reports that will substantiate the post-merger company's successes:

4.6. Public, Educational, and Governmental Access (PEG) Channels Public speakers indicated that current PEG channels received substandard treatment that does not meet the terms of the Public Utilities Code or needs of modern society.11 a. List all PEG channels that broadcast over Standard Definition (SD) or High Definition (HD), indicate whether the channel's programming is currently listed in Charter's or Cox's electronic or digital program guides, and detail the amount of annual funding each channel is provided. b. Submit copies of all current policies in place related to the provision of service for PEG channels. c. Describe the post-merger company policies for PEG channels including quality of stream, inclusion of scheduling on electronic guides, and fees. d. Describe how the post-merger company's policies comply with Public Utilities Code Section 5870 [2]

It seems perfectly clear to us that the ALJ has indicated that the materials and discussion in Media Alliance's Opening Brief are needed to ensure that the proposed transaction will meet and exceed the expectations described by its public supporters and meet the requirements of Public Utilities Code Section 854.

We ask the Commission to deny the motion to strike with regard to Media Alliance's Opening Brief.

Respectfully submitted on June 21, 2026 in San Francisco, California

/S/ Tracy Rosenberg
Executive Director
Media Alliance
2830 20th Street
San Francisco CA 94110

[2] https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M602/K900/602900428.PDF