

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



**FILED**

12/30/25

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A2507016

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 Telecom, LLC (U-5684-C)

Application 25-07-016

**JOINT MOTION OF CHARTER COMMUNICATIONS, INC., CHARTER COMMUNICATIONS HOLDINGS, LLC, AND COX ENTERPRISES, INC. FOR LEAVE TO FILE UNDER SEAL CONFIDENTIAL MATERIAL IN MOTION OF JOINT APPLICANTS TO AMEND AND CLARIFY THE ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

Pursuant to Public Utilities Code Section 583, General Order ("GO") 66-D, and Rules 11.1 and 11.4 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, Charter Communications, Inc., Charter Communications Holdings, LLC, (collectively, "Charter") and Cox Enterprises, Inc. ("CEI") (collectively, "Joint Applicants") respectfully submit this Motion for leave to file under seal portions of the **Joint Motion to Amend and Clarify the Assigned Commissioner's Scoping Memo and Ruling** (the "Motion to Amend"), which Joint Applicants have submitted to the above-captioned proceedings on December 30, 2025.

Section III.A.1 of the Motion to Amend includes information related to the federal review process and timeline regarding the national transaction ("Transaction"), and is marked confidential. The information marked as confidential is not publicly available and is the type of material protected from disclosure under federal and state law, including the California Public Records Act ("CPRA").

The CPRA exempts from disclosure any records "the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence

Code relating to privilege.”<sup>1</sup> The information marked as confidential in Section III.A.1 of the Motion to Amend has not—and will not—be revealed publicly because it relates to a confidential federal review for which there are statutory and regulatory protections.<sup>2</sup> Federal law and regulation prohibit the disclosure or production of records compiled for investigatory purposes, including records pertaining to reviews by the federal government, as is the case here.<sup>3</sup> Additionally, Government Code Section 7923.600 exempts investigatory files from public disclosure,<sup>4</sup> and the spirit of that exemption should apply here as well.

Even absent the protections for investigatory materials, the information at issue constitutes trade secret information as defined by the California Uniform Trade Secrets Act.<sup>5</sup> The information at issue is not known by the general public or competitors, and is known only to those with “need” to know within the Joint Applicants. Further, reasonable effort—including confidentiality requests with regulators such as this—are taken to preserve the confidentiality. Moreover, the information derives independent economic value because it could provide competitors with strategic insights

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<sup>1</sup> Gov’t Code § 7927.705.

<sup>2</sup> See 15 U.S.C. § 18a(h) (“Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this section shall be exempt from disclosure under section 552 of title 5, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding.”); *see also* 5 U.S.C. § 552(b) (providing exemptions from federal FOIA laws).

<sup>3</sup> See 5 U.S.C. § 552(b)(4); *id.* at (b)(7); *see also* Dep’t of Justice Manual 1-7.610 (“Because the release of certain types of information could prejudice an adjudicative proceeding, DOJ personnel should refrain from disclosing... Reference to investigative procedures”).

<sup>4</sup> Gov’t Code § 7923.600(a) (“[T]his division does not require the disclosure of records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of ... any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.”).

<sup>5</sup> Civ Code § 3426.1(d) (“‘Trade secret’ means information... that: (1) derives independent economic value, actual or potential, from not being generally known to the public or other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”).

into future plans, including the timing for specific aspects of the national Transaction, as well as how and when the national Transaction between Joint Applicants will be effectuated. The Commission has previously upheld these protections in preserving the confidentiality of material.<sup>6</sup>

The CPRA provides an additional safeguard where “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.”<sup>7</sup> In this instance, disclosure of sensitive information could compromise or interfere with a confidential investigation, potentially causing significant harm. Moreover, it poses risks to Joint Applicants’ competitive position in the marketplace and their ability to realize the full benefits and synergies of the national transaction between Joint Applicants on a reasonable timeframe. This would also constitute significant harm. The risk of such harm outweighs any public interest in disclosure.

For these reasons, Joint Applicants respectfully request that this motion be granted, that portions of Joint Applicants’ Motion to Amend be afforded confidential treatment and maintained under seal, and that the Commission protect this information from public disclosure.

Respectfully submitted on this 30<sup>th</sup> day of December, 2025, in San Francisco, California.

/s/ Zeb C. Zankel

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<sup>6</sup> See, e.g., *In re TAG Mobile, LLC*, Decision 23-11-059 at 13, Ordering Paragraph 3.

<sup>7</sup> Gov’t Code § 7922.000.

<sup>8</sup> Pursuant to Rule 1.8(d) of the Commission Rules of Practice and Procedure, I have been authorized by all relevant parties to tender this motion for filing on behalf of Joint Applicants.

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Application 25-07-016

**[PROPOSED] ORDER GRANTING MOTION OF CHARTER COMMUNICATIONS, INC., CHARTER COMMUNICATIONS HOLDINGS, LLC, AND COX ENTERPRISES, INC. FOR LEAVE TO FILE UNDER SEAL CONFIDENTIAL MATERIAL IN THE MOTION OF JOINT APPLICANTS TO AMEND AND CLARIFY THE ASSIGNED COMMISSIONER’S SCOPING MEMO AND RULING**

On December 30, 2025, Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc. (“Joint Applicants”) filed a Motion for Leave to File Confidential Material Under Seal (“Motion”) pursuant to Public Utilities Code Section 583, General Order 66-D, and Rules 11.1 and 11.4 of the Commission’s Rules of Practice and Procedure to protect from public disclosure portions of Joint Applicants’ *Motion of Joint Applicants to Amend and Clarify the Assigned Commissioner’s Scoping Memo and Ruling*, which contains non-public information.

No responses or opposition to the Motion have been filed, and the time for submission of any such response or opposition has expired. No hearing on the Motion is necessary.

Good cause having been shown, **IT IS ORDERED** that:

1. Joint Applicants’ Motion for Leave to File Confidential Material Under Seal is GRANTED.
2. The confidential version in *Motion of Joint Applicants to Amend and Clarify the Assigned Commissioner’s Scoping Memo and Ruling* shall be accepted for filing under seal.

3. The information contained in the confidential version of the *Motion of Joint Applicants to Amend and Clarify the Assigned Commissioner's Scoping Memo and Ruling* shall not be released to persons or parties outside of the Commission except on further order of the Commission, the administrative law judge to whom this matter is assigned, or the administrative law judge then designated as the law and motion judge.

This order is effective today.

Dated \_\_\_\_\_ at \_\_\_\_\_, California.

By: \_\_\_\_\_