

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA



FILED

02/12/26
04:10 PM
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 Telcom, LLC (U-5684-C).

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

MOTION OF THE UTILITY REFORM NETWORK, CENTER FOR ACCESSIBLE TECHNOLOGY, MEDIA ALLIANCE, AND PUBLIC ADVOCATES OFFICE FOR EVIDENTIARY HEARINGS

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February 12, 2026

I. INTRODUCTION

Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure and the schedule in the December 9, 2025, Scoping Memo, The Utility Reform Network (TURN), Center for Accessible Technology (CforAT), Media Alliance, and the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), collectively, Joint Intervenors, timely file this Motion for Evidentiary Hearings.

Based on the assertions made by parties to this proceeding at the pre-hearing conference, motions filed in response to the Scoping Memo, and the Joint Case Management Statement, also filed today, there are fundamental disagreements between intervenors and the Joint Applicants¹ regarding the scope of the Commission's review of the proposed transaction under Public Utilities Code Section 854² and the potential benefits or harms of the proposed transaction. Therefore, there are material facts in dispute, and evidentiary hearings are needed to resolve disputed facts vital to the Commission's assessment of the proposed transaction on a number of issues, including but not limited to the impact of the proposed transaction on competition, the affordability and quality of Joint Applicants' services, Joint Applicants' employees, consumer data privacy, diversity, equity, and inclusion, customers with disabilities, and the Commission's Environmental and Social Justice (ESJ) Action Plan goals.

In this filing, Joint Intervenors will highlight the key factual and legal disputes that underlie parties' disagreements. Put simply, intervenors recognize the Commission's broad

¹ The collective name for Charter Communications, Inc.; Charter Communications Holdings, LLC; Cox Enterprises, Inc.; and Cox California Telecom, LLC.

² Unless otherwise specified, references to "Section(s)" are references to the California Public Utilities Code.

authority under Section 854,³ whereas the Joint Applicants assert that the Commission's review is limited to Section 854(a) and a limited set of parties and telecommunications services.⁴ With these disparate interpretations of the legal standard and the scope of this proceeding, parties will be unable to agree on the relevance and type of facts needed to support the claimed benefits of the transaction advanced by the Joint Applicants. Joint Intervenors seek to resolve relevant issues of fact stemming from the Joint Applicants' purported public interest benefits of the proposed transaction. Joint Intervenors note that at time of filing, both the Joint Applicants and intervenors have yet to submit their rebuttal testimony, due March 4 and March 11, 2026, respectively, so any listing or discussion of disputed facts or issues is intended to be illustrative and not exhaustive. As testimony and discovery are still ongoing, further record development may reveal additional disputed facts or issues beyond those listed here.

II. DISCUSSION

A. **The Commission has broad authority to review the proposed transaction under Section 854(a)-(c).**

The Commission has extensive authority under Section 854 to examine the public interest implications of a proposed transaction as part of its obligations to review the acquisition of public utilities operating in California, including the assessment of specific factors enumerated in subsections (b) and (c). The Commission seems to have recognized its broad authority in the Scoping Memo by not specifying subsections of Section 854 and by adding other scoped issues

³ See, e.g., Protest of TURN and CforAT of 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 (TURN & CforAT Protest) (Sept. 5, 2025) at pp. 2-6; Protest of Cal Advocates to the Joint Application for Approval of the Transfer of Control of Cox California Telecom, LLC to Charter Communications, Inc. (Sept. 5, 2025) at pp. 3-11.

⁴ See, e.g., Joint Reply of Joint Applicants (Sept. 15, 2025) at pp. 3-5, 8-14, 18-25.

related to public safety and the Commission's ESJ goals.⁵ Moreover, the Commission also has authority to impose conditions on a transfer of control of a public utility to protect and promote the public interest.⁶

The Commission should reject the Joint Applicants' contentions that the scope of its review should be limited to Section 854(a). Because the Joint Applicants and their experts have repeatedly proffered public interest benefits, they invite careful assessment of the proposed transaction consistent with the Commission's broad authority under Section 854. For example, the Joint Applicants and their experts have asserted specific employee benefits⁷ and the onshoring of customer support jobs,⁸ assertions directly related to Section 854(c)(4). As another example, the Joint Applicants have claimed the proposed transaction will benefit competition for multiple categories of service that they offer,⁹ inviting review under Section 854(b)(3). In fact, the Joint Applicants' Application and opening testimony contained analysis of all the factors in Section 854(c).¹⁰ The Joint Applicants cannot simultaneously assert these specific types of public interest benefits and shrink from Commission assessment of those assertions.

Moreover, the Commission should also reject the Joint Applicants' contentions that certain types of telecommunications services are beyond the scope of this proceeding. From the filing of the Application onward, the Joint Applicants have contended that there will be competitive or consumer benefits associated with no less than five of the categories of services

⁵ See Assigned Commissioner's Scoping Memo and Ruling (Dec. 9, 2025) at pp. 3-4.

⁶ See, e.g., Pub. Util. Code § 854(c)(8); D.17-10-003 at 26 (issued in A.17-03-016 on Oct. 18, 2017).

⁷ Joint Application of Joint Applicants for Approval Pursuant to Public Utilities Code Section 854 of the Indirect Transfer of Control of Cox California Telecom, LLC (Application) (July 30, 2025) at pp. 18-20; Opening Testimony of Adam Falk (Jan. 30, 2026) at 9:17-11:16.

⁸ Application at pp. 2-3; Opening Testimony of Adam Falk at 3:16-18

⁹ Application at pp. 15-17; Opening Testimony of Bryan Keating (Jan. 30, 2026) at pp. 9-19.

¹⁰ Application at pp. 33-39; Opening Testimony of Adam Falk at pp. 24-35.

that they offer.¹¹ Again, the Joint Applicants cannot simultaneously claim benefits related to these services but refuse Commission examination of those assertions.¹²

B. The Commission’s review of the proposed transaction under Section 854(a)-(c) requires evidentiary hearings to assess material disputed facts.

Joint Intervenors understand that the Joint Applicants do not believe evidentiary hearings are necessary given their narrow interpretation of the proceeding’s scope.¹³

However, this narrow interpretation belies the Joint Applicants’ speculative and minimally supported contentions about the asserted benefits of the proposed transactions. Though testimony and discovery are still ongoing, the Joint Applicants’ opening testimony is marked by generalities not specific to California,¹⁴ predictions based on economic theories and not data or express commitments by the Joint Applicants,¹⁵ and assertions of benefits scarcely more detailed than the Joint Applicant’s Application.¹⁶ Many data requests related to asserted benefits or potential challenges of the proposed transaction and resulting acquisition have similarly resulted in vague, repetitive, and form answers from the Joint Applicants.

To date, the Joint Applicants have not offered sufficient information to demonstrate how or whether:

- Post-transaction synergies will result in tangible benefits to post-transaction

¹¹ See, e.g., Opening Testimony of Bryan Keating at pp. 9-19.

¹² See also TURN & CforAT Protest at pp. 4-6.

¹³ Joint Case Management Statement of Joint Applicants, California Emerging Technology Fund, CforAT, Media Alliance, TURN, Public Advocates Office (Feb. 12, 2026) at pp. 2-3; Joint Reply of Joint Applicants at pp. 28-29; Application at pp. 39-40.

¹⁴ See, e.g., Opening Testimony of Jeffrey B. Murphy at 6:18-7:1, 9:2-9:10; Opening Testimony of Adam Falk at 11:10-12, 12:22-13:10, 19:4-20:3.

¹⁵ See, e.g., Opening Testimony of Bryan Keating at 8:10-14, 25:7-13, 28:1-3; Opening Testimony of Jeffrey B. Murphy at 11:11-15.

¹⁶ Compare Application at pp. 18-20 with Opening Testimony of Adam Falk at 9:17-11:16; compare Application at p. 15 with Opening Testimony of Adam Falk at 8:2-8; compare Application at pp. 20-21 with Opening Testimony of Adam Falk at 12:22-13:10.

Charter's California customers¹⁷

- The proposed transaction will cause post-transaction Charter to upgrade and expand its network¹⁸
- The proposed transaction affects the attainment of the Commission's ESJ goals¹⁹
- The proposed transaction will affect consumer privacy²⁰
- Post-transaction Charter will operationalize the four pillars of its Customer Commitment²¹
- Post-transaction Charter's onshoring of customer service functions will result in long-term job creation²²
- Post-transaction Charter will maintain commitments to diversity, equity, and inclusion²³

Joint Intervenors seek to understand how the Joint Applicants' assertions and the issues they invoke will weigh in the Commission's public interest assessment of the proposed transaction. With the record that exists now, Joint Intervenors cannot verify the Joint Applicants' claims regarding the proposed transaction's benefits. Without the opportunity to cross-examine the witnesses sponsoring these claims under oath—especially when given Joint Applicants' generic, repetitive, and delayed responses to related questions outside of the evidentiary hearing

¹⁷ See Opening Testimony of Jeffrey B. Murphy at 9:2-10.

¹⁸ See Opening Testimony of Adam Falk at 19:4-20:3.

¹⁹ See generally Opening Testimony of Adam Falk (failing to mention the Commission's ESJ goals despite discussing Charter's low-income programs, digital literacy efforts, and "philanthropic or engagement programs"); see also Joint Reply of Joint Applicants at pp. 27-28.

²⁰ Joint Reply of Joint Applicants at pp. 26-27; See generally Opening Testimony of Adam Falk (discussing consumer benefits but not privacy or consumer data protections).

²¹ Intervenor Opening Testimony of David Brevitz at 7:4-13, 38:11-39:17.

²² See Intervenor Opening Testimony of David Brevitz at 12:7-12, 41:4-6.

²³ Joint Reply of Joint Applicants at p. 28; see also Opening Testimony of Adam Falk at 33:13-19 (briefly discussing the Broadband Field Technician Apprenticeship Program, "developed to attract, train, and retain a highly skilled, diverse, and locally based workforce in areas where Charter's network is built").

context— Joint Intervenors will likely be unable to give adequate scrutiny to the claimed public interest benefits. This lack of evidence affects the Commission’s ability to properly review the transaction and perform its public interest analysis under Section 854 or determine whether additional conditions or mitigation measures are necessary for the proposed transaction to meet the public interest standard.

III. CONCLUSION

For the foregoing reasons, Joint Intervenors respectfully request evidentiary hearings.

Dated: February 12, 2026

Respectfully submitted,

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