



**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 Telecom, LLC (U-5684-C).

Application 25-07-016

FILED

02/27/26

04:59 PM

A2507016

RESPONSE OF CHARTER COMMUNICATIONS, INC., CHARTER COMMUNICATIONS HOLDINGS, LLC, COX ENTERPRISES, INC., AND COX CALIFORNIA TELCOM, LLC (U-5684-C) TO MOTION OF THE UTILITY REFORM NETWORK, CENTER FOR ACCESSIBLE TECHNOLOGY, MEDIA ALLIANCE, AND PUBLIC ADVOCATES OFFICE FOR EVIDENTIARY HEARINGS

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February 27, 2026

RESPONSE OF CHARTER COMMUNICATIONS, INC., CHARTER COMMUNICATIONS HOLDINGS, LLC, COX ENTERPRISES, INC., AND COX CALIFORNIA TELCOM, LLC (U-5684-C) TO MOTION OF THE UTILITY REFORM NETWORK, CENTER FOR ACCESSIBLE TECHNOLOGY, MEDIA ALLIANCE, AND PUBLIC ADVOCATES OFFICE FOR EVIDENTIARY HEARINGS

Joint Applicants do not believe the record will demonstrate any need for a hearing.¹ However, *if* the Commission ultimately determines that such an evidentiary hearing *is* warranted, Joint Applicants respectfully submit that the hearing should be scheduled promptly following rebuttal testimony — during the week *of March 30, 2026* — to better align with the timing in comparable transfer of control proceedings and to expedite the prompt administration of the proceeding, among other reasons. Consistent with the Commission’s procedures, any evidentiary hearing should be limited to clearly defined disputed issues of material fact within the scope of the proceeding.

A. It would be premature to grant the Motion before rebuttal testimony is submitted and absent identified disputed issues of material fact within scope.

As the Commission has repeatedly explained, evidentiary hearings are not required (nor are they necessary) where there are no disputed issues of material fact within the proceeding’s

¹ “Joint Applicants” herein references Charter Communications, Inc., Charter Communications Holdings, LLC, Cox Enterprises Inc., and Cox California Telecom, LLC. “Motion” herein references the February 12, 2026 Motion of The Utility Reform Network, Center for Accessible Technology, Media Alliance, and Public Advocates Office for Evidentiary Hearings.

scope.² Joint Intervenors do not point to specific material facts in dispute that fall within scope and overlook the forthcoming rebuttal testimony.³

The Motion also devotes substantial discussion to the appropriate standard of review and related legal questions.⁴ Questions regarding the proper legal standard and its application to the record are matters for legal argument and Commission determination, not the proper subject of an evidentiary hearing directed at addressing disputed facts.⁵

The Commission should not assume that an evidentiary hearing will ultimately be necessary. The record already includes a substantial application, reply to protests, and four rounds of additional information sought by the assigned Administrative Law Judge, twelve data request responses addressing 382 questions (with subparts), and the production of thousands of pages of narrative and documentary materials in response to these questions. Further, Joint Applicants have submitted extensive direct testimony on behalf of three witnesses and, in turn, intervenors have submitted direct testimony from eleven witnesses totaling over 350 pages (exclusive of exhibits). Further still, both Joint Applicants and intervenors will submit additional testimony on March 4

² See, e.g., *Re Demand Flexibility Through Electric Rates*, D.26-01-026, 2026 Cal. PUC LEXIS 12 at *21-22 (citing *Re In Touch Communications, Inc. et al.*, D.04-05-033, *mimeo* at 10-13); see also *Highway 68 Coalition v. California-American Water Company*, D.12-05-018, 2012 Cal. PUC LEXIS 231 at *5; *Re Lennar Corporation et al.*, D.04-08-047, 2004 Cal. PUC LEXIS 425 at *7-8 (finding no need for evidentiary hearings on matters that “are not relevant to [the Commission’s] concern in this proceeding ... or to other issues that we considered relevant to the determination of whether the transfer is in the public interest”); See *Re San Diego Gas & Electric Company*, D.14-01-002, 2014 Cal. PUC LEXIS 37 at *84-85 (“To the extent CforAT/Greenlining believe that evidentiary hearings are necessary in that proceeding, they must make a showing there that there are material disputed issues of fact that necessitate hearings.”).

³ “Joint Intervenors” herein references The Utility Reform Network, Center for Accessible Technology, Media Alliance, and Public Advocates Office.

⁴ Motion at 2-4.

⁵ See A.20-03-010, Administrative Law Judge’s Ruling Partially Granting Motion to Strike at 2 (Jan. 11, 2021) (“Legal and policy argument is not a proper subject for evidence and the conduct of evidentiary hearing, the purpose of which is to prove or disprove a material fact.”); *Biron v. City of Redding* (2014) 225 Cal.App.4th 1264, 1277 (“The application of the appropriate legal standard to the facts properly found by the trial court is a legal question.”).

and March 11, respectively. Existing materials exhaustively address the issues in scope of the proceeding (and those beyond the scope as well). The Commission can, as it has previously done in prior comparable transfer of control proceedings, bypass evidentiary hearings.⁶

In any event, because the Motion does not demonstrate the existence of disputed issues of material fact within the scope of the proceeding that would require evidentiary hearings to resolve, it is premature to grant the Motion.

B. If a hearing is held, it should be scheduled for late March 2026 and limited to disputed issues of material fact within scope.

If the Commission decides that an evidentiary hearing is appropriate, Joint Applicants respectfully request that the hearing schedule be aligned more closely with recent comparable proceedings. The current schedule sets evidentiary hearings *46 days* after the service of rebuttal testimony.⁷ By comparison, similar telecommunications transfer of control proceedings averaged *17 days* between the service of rebuttal testimony and the first day of hearings.⁸

Accordingly, if the Commission sets an evidentiary hearing, Joint Applicants request that hearings be scheduled for the week of March 30, 2026. This 19-day interval would provide adequate preparation time while ensuring that parties expeditiously pursue settlement discussions, consistent with the Assigned Commissioner's direction.⁹ An earlier hearing date would also

⁶ See, e.g., A.15-07-009, Presiding Officer's Ruling Modifying Schedule of Proceeding at 1 (Feb. 11, 2016) (removing evidentiary hearings from the calendar by all-party stipulation even though some parties had not yet settled); A.17-06-006, E-Mail Ruling Suspending Procedural Schedule at 2 (Jan. 11, 2018) (suspending scheduled evidentiary hearing and the proceeding schedule); *Re Application of Frontier Commc'ns Corp. et al. for Determination that Corp. Restructuring is Exempt from or Compliant with Pub. Util. Code § 854*, D.21-04-008, at 9-10 (Apr. 20, 2021).

⁷ Motion to Amend at 11.

⁸ *Id.*

⁹ See, e.g., Prehearing Conference – Reporters' Transcript at 4:6-12 (Oct. 3, 2025) (“[S]ettlements can often be an efficient way to determine what is just and reasonable for rates. Even limited settlements and stipulations can also limit the number of contested issues. As such, [Commissioner Baker's] office encourages the parties to look for any common ground...”).

support issuance of a final decision by July 2026.¹⁰ A July 2026 final decision (i) is consistent with the parties' proposed timeline at the outset of the proceeding;¹¹ (ii) is necessary to avoid significant negative consequences of a delayed resolution, including key personnel turnover, lack of focus on the companies' day-to-day operations due to integration planning, and paused investment activities resulting from the uncertain path forward; and (iii) would ensure resolution before the expiration of the applicable Hart-Scott-Rodino Act clearance period, which is critical to the timely completion of the transaction (and consistent with the most recent decision involving Verizon and Frontier¹²).

C. Conclusion

For the above-mentioned reasons, it would be premature to grant the Motion without considering forthcoming rebuttal testimony, which would permit a determination of whether any disputed issues of material fact within scope remain. Further, the Commission should not assume evidentiary hearings will be necessary, especially given that existing materials submitted exhaustively address the issues in scope of the proceeding. If the Commission ultimately sets an evidentiary hearing, Joint Applicants respectfully submit that it should be scheduled for the week *of March 30, 2026*, and limited to disputed issues of material fact within scope.

¹⁰ Response to Administrative Law Judge Inquiry at 1-2 & n.1 (Feb. 17, 2026) (requesting a final decision date of July 16, 2026, which would be within the one-year HSR clearance period that ends on September 15, 2026).

¹¹ Both Joint Applicants and The Utility Reform Network and Center for Accessible Technology ("Joint Commenters"), respectively submitted proposed schedules in September 2025 that reflected a final Commission decision no later than July 2026 (or sooner). *See* Joint Commenters Protest, at 25-26 (Sept. 5, 2025) (proposing a final decision in July 2026 with evidentiary hearings). The Public Advocates Office was the only party that proposed a longer proceeding schedule.

¹² *See supra* n.15; *Re Joint Application of Verizon Communications Inc. et al.*, D.26-01-023 (adopting a final decision 30 days before end of HSR clearance period).

