

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



**FILED**

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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 Telecom, LLC (U-5684-C).

Application 25-07-016

**MOTION OF JOINT APPLICANTS TO STRIKE  
THE DIRECT TESTIMONY OF TEJAS N. NARECHANIA**

Pursuant to the March 2, 2026 *Administrative Law Judge’s Ruling Providing Log-In Information and Instructions for Evidentiary Hearings* and Rule 11.1 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, Joint Applicants<sup>1</sup> hereby submit this motion to strike the full direct testimony of Tejas N. Narechania (the “Narechania Testimony” or “Testimony”) on behalf of the Public Advocates Office (“Cal Advocates”), submitted in the above-captioned proceeding on February 11, 2026.

By its own statement of assignment, the Narechania Testimony is, by its plain terms, an inadmissible legal opinion, stating in full that it was prepared and submitted because Mr. Narechania was “asked by the Public Advocate’s Office to address the CPUC’s authority to regulate the rates charged by the merged entity for broadband Internet access service at monopoly-served locations in California.”<sup>2</sup> This Testimony, by its own description, is drafted entirely and exclusively to provide legal arguments and conclusions—arguments that the Commission has consistently required to be set forth in briefs, not testimony. As such, for all practical purposes,

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<sup>1</sup> “Joint Applicants” references Charter Communications, Inc. and Charter Communications Holdings, LLC (collectively, “Charter”); and Cox Enterprises, Inc. (“Cox” or “CEI”).

<sup>2</sup> A.25-07-016, Direct Testimony of Tejas N. Narechania on Behalf of Public Advocates Office at the California Public Utilities Commission at 3 (Feb. 11, 2026) (“Narechania Testimony”).

the legal discussion in the Testimony operates as an impermissible end-run around the assigned Administrative Law Judge (“ALJ”) ruling setting page limits for briefs, thereby prejudicing Joint Applicants. Adding to its infirmities, the Narechania Testimony also impermissibly addresses issues outside the scope of this proceeding. As such, admission of the Testimony would burden the evidentiary hearing with legal arguments, which is reserved for disputed *factual* issues, and would additionally prejudice Joint Applicants insofar as Joint Applicants would need to divert time to prepare for cross-examination on testimony that is plainly impermissible.

Accordingly, Joint Applicants respectfully request that the Commission uphold the integrity of its procedures and ensure fairness across parties by striking the Narechania Testimony. To the extent the Narechania Testimony is not stricken, Joint Applicants respectfully request, in the alternative, that the Commission extend Joint Applicants’ page limit for their opening brief by the length of the Narechania Testimony, which is 24 pages.<sup>3</sup> This page-limit extension would allow Joint Applicants an opportunity to address the legal arguments in the Narechania Testimony in their opening brief, where legal issues are properly raised.

**I. THE NARECHANIA TESTIMONY IS LEGAL OPINION, AN IMPERMISSIBLE SUBJECT OF TESTIMONY UNDER STATE LAW AND COMMISSION PRECEDENT.**

As the Commission has explained, it “does not need expert witness testimony on interpretation and application of its decisions and rules,” and any such interpretations “would properly be addressed in briefs.”<sup>4</sup> As such, the Commission has consistently struck testimony consisting of legal arguments and conclusions, finding that such discussions belong in briefs. For example, in an application proceeding involving an energy utility, the assigned ALJ struck an

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<sup>3</sup> A.25-07-016, Administrative Law Judge’s Ruling Providing Log-In Information and Instructions for Evidentiary Hearings (“ALJ Ruling”) at 6 (Mar. 2, 2026) (setting limit of 50 pages for opening briefs).

<sup>4</sup> *Re Calaveras Tel. Co.*, D.19-12-041, 2019 Cal. PUC LEXIS 926 at \*110.

intervenor’s testimony consisting of “legal argument,” finding that “it is beyond the scope of permissible testimony.”<sup>5</sup> The full Commission ratified this decision for the same reasons.<sup>6</sup> In another proceeding involving transportation, the Commission struck an intervenor’s testimony, characterizing it as “argumentative and legal conclusion.”<sup>7</sup> By its own admission, the Narechania Testimony is the same.

State law provides useful guidance that the Commission considers in its own proceedings when deciding which evidence to admit.<sup>8</sup> State courts have consistently concluded that “legal conclusions in the guise of expert opinion” are improper bases for testimony and are not admissible as evidence.<sup>9</sup> Here, the Narechania Testimony consists almost entirely of legal opinion. In fact, the Testimony explicitly states that its purpose is to “address the CPUC’s authority to regulate” broadband rates,<sup>10</sup> which is, by its description, a legal issue. It discusses the scope of Commission jurisdiction and its regulatory powers, which are legal arguments and conclusions, not factual

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<sup>5</sup> A.12-10-009, *Administrative Law Judge’s Granting Motion to Strike Prepared Direct Testimony of Ostrander, Rahn and McFetridge* at 2 & n.2 (Oct. 5, 2015) (finding that “legal argument” is “beyond the scope of permissible testimony”).

<sup>6</sup> *Re San Diego Gas & Elec. Co.*, D.16-05-038, 2016 Cal. PUC LEXIS 295 at \*35 (“[T]he time and place for presenting such legal argument is in closing briefs”).

<sup>7</sup> *Re Union Pac. R.R. Co.*, D.02-04-017, 2000 Cal. PUC LEXIS 1108 at \*21 (striking testimony that was “argumentative and legal conclusion”).

<sup>8</sup> See, e.g., *Re Reguls. Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transp. Servs.*, D.22-05-003, 2022 Cal. PUC LEXIS 185 at \*142 (citing Evidence Code Section 720 regarding expert witness qualifications to disqualify a party’s declarations); *Re Calaveras Tel. Co.*, D.19-12-041, 2019 Cal. PUC LEXIS 926 at \*109 n.239 (citing Evidence Code Section 801(a) to assess limits of an expert witness’s testimony); *Arterberry v. San Diego Gas & Electric Co.*, D.07-04-044, 2007 Cal. PUC LEXIS 380 at \*11-13 (looking to Evidence Code Sections 720 and 801 to assess validity of an expert witness’s credentials and testimony).

<sup>9</sup> See, e.g., *WRI Opportunity Loans II, LLC v. Cooper* (2007) 154 Cal. App. 4th 525, 532 n.3; *Downer v. Bramet* (1984) 152 Cal. App. 3d 837, 841. See also *Elder v. Pac. Tel. & Tel. Co.* (1977) 66 Cal. App. 3d 650, 664 (“While an expert witness may properly testify as to custom and practice in construction safety, he may not state interpretations of the law, whether it be of a statute, ordinance or safety regulation promulgated pursuant to a statute.” (internal citation omitted)).

<sup>10</sup> Narechania Testimony at 3.

information requiring expert testimony. To the extent the Narechania Testimony contains any factual assertions, such as its (incomplete) characterization of the role that broadband access plays as an input to VoIP services,<sup>11</sup> those assertions do not constitute factual matters within the personal knowledge of the witness, nor were they referenced, even in passing, in the *Summary of Opinion*. Rather, they are subsidiary elements of the Testimony’s legal argumentation and add nothing of value to the record.

Accordingly, Joint Applicants respectfully request that the Commission uphold its longstanding precedent on legal opinion and conclusions by striking the Narechania Testimony in its entirety.

## **II. THE COMMISSION SHOULD STRIKE THE NARECHANIA TESTIMONY TO AVERT A MISUSE OF EVIDENTIARY HEARINGS AND COMMISSION RESOURCES.**

The Commission has previously found that, when it comes to resolving legal questions, “an evidentiary hearing could not assist us” and that “an evidentiary hearing under these circumstances would be an exercise in futility.”<sup>12</sup> Evidentiary hearings are reserved for addressing only factual disputes.<sup>13</sup> Striking the Narechania Testimony is therefore additionally necessary to avoid what the Commission has explained as “a parade of lawyers testifying as legal experts” in its proceedings.<sup>14</sup> This is *exactly* what Cal Advocates presents in the Narechania Testimony.

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<sup>11</sup> *Id.* at 17.

<sup>12</sup> *Park Regency Apartments v. Pac. Gas & Elec. Co.*, D.97-09-062, 1997 Cal. PUC LEXIS 792 at \*3-4.

<sup>13</sup> *See In Touch Commc’ns, Inc. et al.*, D.04-05-033, 2004 Cal. PUC LEXIS 266 at \*18 (“[E]videntiary hearings ... are warranted only to the extent there are material factual disputed issues,’ and that ‘any adopted evidentiary hearing ... shall be ... focused on resolving essential factual disputes.’” (citation omitted) (ellipses in original)); 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.”).

<sup>14</sup> *Re Regul. of Used Household Goods Transp. by Truck*, D.90-12-091, 1990 Cal. PUC. LEXIS 1422 at \*33.

Admitting the Narechania Testimony would place Joint Applicants in the position of engaging with legal arguments during questioning at the upcoming evidentiary hearing. This includes consuming hearing time or unduly extending hearings to accommodate exchanges between Joint Applicants' counsel and Professor Narechania regarding what portions of his testimony are factual and which are legal argument. This would not be a productive use of the Commission's time or the parties' resources. Although Joint Applicants could conserve the Commission's resources by declining to question Professor Narechania at all, doing so would unfairly place on Joint Applicants the risk of letting inadmissible legal opinion testimony go unanswered as if it were fact-based testimony, which it is not.

### **III. THE COMMISSION SHOULD ALSO STRIKE THE NARECHANIA TESTIMONY AS OUTSIDE THE SCOPE OF THE PROCEEDING.**

The December 9, 2025 *Assigned Commissioner's Scoping Memo and Ruling* ("Scoping Memo") sets forth the scope of issues to be determined or otherwise considered in this proceeding. It is well settled that a proceeding may not examine issues beyond its identified scope, and Courts have vacated Commission decisions for addressing matters not included in a scoping memo.<sup>15</sup> Here, matters within scope are issues that address the requirements of Public Utilities Code Section 854, impacts on environmental and social justice ("ESJ") communities, and impacts on public safety.

The Narechania Testimony "address[es] the CPUC's authority to regulate the rates charged by the merged entity for broadband Internet access service at monopoly-served locations in

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<sup>15</sup> See, e.g., *Golden State Water Co. v. Pub. Utils. Comm'n* (2024) 16 Cal. 5th 380, 380 (striking down a Commission decision in part because the proceeding's scoping memo "did not give adequate notice of the possibility of" an action that the Commission eventually took and prejudiced the utility); *Southern California Edison v. Public Utilities Commission* (2006) 140 Cal. App. 4th 1085, 1106 (striking down a Commission decision in part for enacting a proposal that "was beyond the scope of issues identified in the scoping memo").

California.”<sup>16</sup> This issue is not identified in the Scoping Memo. It is not part of Public Utilities Code Section 854, does not fall under the umbrella of ESJ communities, and does not come under the auspices of public safety. Moreover, the sole transferee at issue in this proceeding, Cox California Telcom, LLC, does not even provide broadband service.<sup>17</sup> Therefore, the Narechania Testimony seeks to address issues that the Commission has not identified for consideration in this proceeding and should be struck.

**IV. THE COMMISSION SHOULD STRIKE THE NARECHANIA TESTIMONY AS AN IMPERMISSIBLE END-RUN AROUND CAL ADVOCATES’ PAGE LIMITS FOR BRIEFS.**

In the March 2, 2026 ruling, the assigned ALJ set a page limit of 50 pages for briefs, not including attachments.<sup>18</sup> The Commission has found that parties exceeding page limits are “completely unfair to” other parties,<sup>19</sup> deeming such actions to constitute “misconduct.”<sup>20</sup> The Commission requires a party that wishes to exceed page limits to file a motion to do so.<sup>21</sup> When parties have failed to do so, the Commission has, on previous occasions, stricken excessive pages.<sup>22</sup>

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<sup>16</sup> Narechania Testimony at 3.

<sup>17</sup> As identified by Joint Applicants throughout the proceeding, Cox California Telcom, LLC provides only voice and enterprise services. Any attempt to address other services beyond voice and enterprise are beyond the scope of the proceeding and the Commission’s jurisdiction.

<sup>18</sup> ALJ Ruling at 6.

<sup>19</sup> *Re Fatal Accident on the Bay Area Rapid Transit Dist.’s Line Between the Walnut Creek & Pleasant Hill Stations in the Cnty. of Contra Costa, Cal. on October 19, 2013*, D.18-10-020, 2018 Cal. PUC LEXIS 490 at \*167.

<sup>20</sup> *Id.*

<sup>21</sup> *Re Cox Cal. Telcom, LLC v. Crow Winthrop Dev. Ltd. P’ship*, D.00-11-038, 2000 Cal. PUC LEXIS 950 at \*29.

<sup>22</sup> *Re Fatal Accident on the Bay Area Rapid Transit Dist.’s Line Between the Walnut Creek & Pleasant Hill Stations in the Cnty. of Contra Costa, Cal. on October 19, 2013*, D.18-10-020, 2018 Cal. PUC LEXIS 490 at \*167.

In this proceeding, Cal Advocates is requesting that the Commission impose requirements on Charter obligating it to offer broadband services with a specific download speed at a specific price. The Commission's legal authority to *compel* broadband providers to do so will be a contested legal issue in this proceeding that Joint Applicants plan to address in briefs. The Commission need not rule on the legal issue to resolve this Motion to Strike; it is a contested subject and will be the subject of upcoming briefing. The fact that Cal Advocates has raised these issues, and that the Narechania Testimony contains 24 pages of testimony on this legal issue, will require Joint Applicants to devote a significant amount of legal argument in their briefing to why Cal Advocates' proposed condition is unlawful. Similarly, the proper place for Cal Advocates to make such a case is in briefing as well. This is an impermissible end-run around the purpose of testimony—which is provide factual basis—and as such prejudices Joint Applicants by giving Cal Advocates 24 pages of extra legal argument in testimony on a highly contested legal issue—nearly half the entire page limit allocated to the parties to address *all* issues in the proceeding—while Joint Applicants are forced to brief the issue under page limit constraints and competing demands to address other subjects. Using testimony to make legal argument is completely unfair to and prejudicial to Joint Applicants.

As the Commission has repeatedly stated, legal arguments belong in briefs. Should the Commission not strike the Narechania Testimony, which Joint Applicants respectfully request for all of the reasons explained above, the Commission should at a minimum remedy this imbalance caused by Cal Advocates' improper submission of the Narechania Testimony. Although Joint Applicants believe Cal Advocates should not be rewarded for submitting legal opinion and conclusions as testimony, affording Joint Applicants an equal opportunity to respond in briefs, where such matters belong, is necessary to ensure equity for the parties and protect procedural due

process. Cal Advocates can then address the legal contentions of the Narechania Testimony in its brief, if it wishes to do so.

**V. IF THE TESTIMONY IS NOT STRICKEN, AT A MINIMUM JOINT APPLICANTS SHOULD BE AFFORDED 24 ADDITIONAL PAGES FOR OPENING BRIEFS TO ADDRESS THE NARECHANIA TESTIMONY.**

To mitigate prejudice toward Joint Applicants and other parties in this proceeding, Joint Applicants respectfully request that the Commission strike the Narechania Testimony in its entirety. As demonstrated above, doing so is consistent with Commission precedent. However, if the Commission does admit the Narechania Testimony—which, for all of the reasons above, it should not—then it should afford Joint Applicants a comparable page limit extension of 24 pages to address the Narechania Testimony’s inconsistencies with Commission precedent, state and federal law, and other procedural and substantive deficiencies. In that case, Joint Applicants would have the opportunity to provide legal analysis that shows that the Narechania Testimony ignores important precedents, and mischaracterizes key aspects of the law, and thus demonstrating that the Narechania Testimony’s core conclusion that the Commission can regulate broadband rates is plainly wrong.

**VI. CONCLUSION**

Joint Applicants respectfully request that the Commission strike the Narechania Testimony from the record of this proceeding, which is necessary to uphold state law and Commission precedent against the inclusion of legal argumentation and conclusions in testimony. Furthermore, striking the Narechania Testimony upholds the Commission’s rules and procedural due process regarding briefing and evidentiary hearings. To eliminate all potential prejudice against Joint Applicants and other parties in this proceeding, the Commission should grant this Motion and strike the Narechania Testimony as soon as possible, but no later than the date of the submission of witness lists on April 13, 2026. In the alternative, if the Commission does not strike the

Testimony, Joint Applicants request that the page limit for their initial brief be extended by the length of the Narechania Testimony (24 pages).

Respectfully submitted on this 1st day of April, 2026, in San Francisco, California.

/s/ Margaret L. Tobias

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