BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFOR

FILED
08/24/26
04:59 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)

MEDIA ALLIANCE PETITION FOR MODIFICATION IN DECISION 26-08-033

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August 23, 2026
San Francisco, California

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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.

We reluctantly file this petition as advised by the Public Advisor's Office under Rule 16.4 to urgently request the correction of scrivener's error in the Proposed Decision, which was carried over from Revision 1 of the Alternate Proposed Decision. The error, as we shall describe, is in the vein of a typo, but unfortunately it is a typo that has material consequences for the constituencies we have sought to represent in this hearing. Therefore we feel obligated to make this urgent request. We have sought to address the issue informally for over a week and those efforts have not been fruitful.

CORRECTION REQUESTED

Page 89 – Decision A.25-07-016

8. Within nine months of the effective date of this decision ~~and for five years afterward~~, the post-merger company shall broadcast all Public, Educational, and Government-Access (PEG) programming throughout its entire footprint the entire service territory at High-Definition (HD) streaming quality. PEG programming schedules shall be made available on all electronic programming guides and shall,

immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.

BACKGROUND AND RATIONALE

In the Alternate Proposed Decision issued on July 9th, Commissioner Baker provided for PEG channel relief as requested in our briefings to the Commission as Mitigation 3 in Section 14.3. [1] We repeat a section of that text here:

The post-merger company shall broadcast all PEG programming throughout its entire footprint in HD streaming quality, to make PEG programming schedules be made available on all electronic programming guides and, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870. (p.53).

In the order proposed in the same document, the language is as follows on page 70. [2]

8. The post-merger company shall broadcast all Public, Educational, and Government-Access (PEG) programming throughout its entire footprint the entire service territory at High-Definition (HD) streaming quality. PEG programming schedules shall be made available on all electronic programming guides and shall, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.

Reply comments filed by party Cal Broadband following the issuance of the proposed decision made some specific requests for modifications of the PEG relief measures.[3] Media Alliance addressed these requests in reply comments on August 3 [4]. In particular with regard to duration.

p. 5 The Joint Applicants request that Public Benefit Channels mitigation end after five years. This doesn't make sense to us in terms of public benefits. Returning channels from HD back to degraded transmission in five years when standard transmission is even more outdated than it is now and plucking channels out of channel guides that were put in them 5 years ago (or 4.5 if the Joint Applicants get their very lengthy implementation period) is not a public benefit, it is a public harm. Our purpose in intervening in this proceeding was to make the case that the administration of the public benefit channels is one concrete, important, and legally required way that franchisees like the Joint

[1]https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M610/K353/610353838.PDF
[2] Ibid
[3]https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M613/K030/613030991.PDF
[4] https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M613/K172/613172052.PDF

Applicants provide benefits to the communities whose right of way they use for their cable and broadband wires. When a merger is proposed, and benefits are expected to flow to Californians as a result (in exchange for the financial benefits that will flow to the Applicants), those benefits should include functional and workable (dare we say, robust) delivery of non-commercial public interest content. That is a fixed benefit that communities should have and not just from 2026-2030. We would anticipate the Joint Applicants will be receiving economic benefits from this proposed merger for many years to come, and well beyond 2030. Communities should also receive benefits, and not just a temporary reprieve from harms.

Commissioner Baker addresses these requests in the narrative portion of the Final Decision that the Commission voted affirmatively to implement on August 13th. [5]

The mitigation measures are initially described in Section 14.3 in an identical manner to their description in the Alternate Proposed Decision.

p. 58 The post-merger company shall broadcast all PEG programming throughout its entire footprint in HD streaming quality, to make PEG programming schedules be made available on all electronic programming guides and, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.

In Section 18.6.4 and 18.6.5, Commissioner Baker recounts party comments regarding the PEG relief measures and discusses them.

Pp 68-69 **18.6.4. Media Alliance** Media Alliance opposes the recommendations of the Joint Applicants and CETF.167 Media Alliance argues legal compliance is not a merger condition, that the municipalities are already requesting HD broadcast by submitting HD content, public benefit operators don't have primary channels, and the proposed timelines are unnecessary.168

18.6.5. Discussion We have amended OP 7 to clarify that any repayments would be based on demonstrably improper collections. Public benefit operators would be receiving free transport of HD material prospectively. We decline to require the public benefit operators to request their content be in HD as being an unnecessary barrier to service. We have amended OP 8 to bring the implementation deadline into alignment with OP 7. **We decline to place a duration on these requirements, as an informed populace is a cornerstone of democracy.**

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[5] https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M614/K996/614996386.PDF

So to restate for the purpose of clarity, Commissioner Baker says clearly on page 69 of the Final Decision that he **declines t**o place a duration on these requirements.

Yet on page 89 of the Final Decision in the ordering paragraphs, **a duration is placed on these requirements (of five years).**

<u>8. Within nine months of the effective date of this decision **and for five years afterward**, the post-merger company shall broadcast all Public, Educational, and Government-Access (PEG) programming throughout its entire footprint the entire service territory at High-Definition (HD) streaming quality. PEG programming schedules shall be made available on all electronic programming guides and shall, immediately following the issuance of this decision, cease charging PEG channels for services per Public Utilities Code Section 5870.</u>

We request that the "for five years afterward" be removed from this paragraph because it is an error and contradictory to Commissioner Baker's statement on page 69 of the Proposed Decision.

<u>CONCLUSION</u>

We certainly regret the amount of time, trouble and paperwork that filing this petition entails, both for ourselves and for the Commission. But we would not be properly representing our constituent groups and the public interest needs that we sought to advocate for in this proceeding, if we did not raise this issue. We hope the other parties will agree that these issues have been fully heard and discussed, the Commission has made its decision, and all that remains is to harmonize the narrative of the Final Decision with the Order contained therein. We therefore do seek to correct this typo.

Respectfully submitted on August 23, 2026 in San Francisco, California

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