

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Brian Miller,

Complainant,

vs.

CSC Holding LLC dba Optimum
Communication, Inc.,

Defendant.

(ECP)

Case 25-11-002

DECISION DISMISSING COMPLAINT

Summary

We find that the issues raised in the Complaint have been resolved. Issues relating to the Complainant being charged by Defendant more than the promotional rate he agreed to were resolved by an Order from the Placer County Superior Court wherein Complainant was reimbursed the amounts overcharged and was awarded damages and costs. Parties confirmed during the hearing that Complainant had already been paid the amounts he was awarded by the Superior Court Order.

No other relief is warranted and the Complaint is dismissed.

This proceeding is closed.

1. Procedural and Factual Background

On November 5, 2025, Complainant Brian Miller filed Case 25-11-002 against defendant CSC Holding LLC dba Optimum Communication, Inc. (Defendant or Optimum).

Complainant states that he entered into a written agreement with Optimum for telephone and internet services with a 1-year promotional rate of \$35 per month inclusive of taxes and fees. According to Complainant, Optimum added unauthorized charges that were not part of the original agreement which increased the monthly bill to \$59.39 per month.

Complainant filed a case with the Superior Court in Placer County and was able to obtain a judgment against Optimum on May 19, 2025. Complainant was awarded damages, punitive damages, and costs.

Defendant filed its Answer on December 31, 2025, requesting that the Complaint be dismissed.

An evidentiary hearing was held on February 6, 2026. During the hearing, it was determined that the only issue in the Complaint involved paper billing fees that continued to be charged subsequent to the Superior Court Order. Optimum agreed to immediately enroll Complainant into paperless billing and credit the two months that paper billing fees were charged.

Complainant and Defendant filed Opening Briefs on March 13, 2026. Reply Briefs were filed by Complainant and Defendant on March 27, 2026.

2. Complainant's Contention

Complainant's requested relief in the Complaint is for Optimum to correct his monthly bill to the agreed-upon price of \$35 per month including taxes and fees.

Complainant also argues that the judgment from the Superior Court of Placer County states that its judgment does not adjudicate whether Optimum has violated any applicable California Public Utilities Commission (CPUC) tariffs. Complainant states that Defendant violated Section 2890(a) of the Public Utilities (Pub. Util.) Code.

During the hearing, Complainant also stated that subsequent to the Court judgment, he could not enroll in paperless billing and was charged paper billing fees for two months totaling \$2.

In his Opening Brief, Complainant questions why he needed to file this Complaint to remove the paper billing fee and suggests that corrective enforcement is necessary to deter repeated conduct. Complainant also raised that counsel for Optimum attended the February 6, 2026, hearing, and that after being admonished during the hearing to make its billing statements clearer, there is no concrete plan or timeline for Optimum to implement clearer billing. Complainant also alleges violations of General Order (GO) 168 and GO 96-B regarding proper billing disclosures.

Complainant also specified a broad list of additional relief requested including a refund of all improperly charged amounts, a remediation plan for billing, the appointment of an independent monitor with regular reporting, suspension or revocation to operate until compliance is assured, opening of a

broader Order Instituting Investigation (OII) or enforcement proceeding for similarly situated customers, additional sanctions and referral for criminal prosecution, and administrative and civil penalties for each willful violation.

3. Defendant's Contention

Defendant argues that the dispute with Complainant has already been adjudicated by the Placer County Superior Court and the judgment amount has been paid in full. Defendant adds that it also applied discretionary credits beyond the court judgment as a form of customer accommodation. The additional \$240 credit on September 11, 2025, meant that Complainant need not pay for services through the end of the 1-year promotional period which ended in 2025. Defendant also states that Optimum did not agree to waive taxes and fees. In its Reply Brief, Defendant argues that the drastic measures requested in Complainant's brief are not warranted and are beyond his individual complaint.

4. Discussion

As stated in the Complaint, Complainant entered into a contract with Defendant for the provision of telephone and internet services at a 1-year promotional rate of \$35 per month. Complainant was charged around \$59.39 per month (a difference of around \$25) because of additional fees. Complainant filed a case with the Superior Court in Placer County and obtained a judgment against Defendant on May 19, 2025.

Complainant was awarded a total of \$2,226.35 which included damages, excessive taxes and fees, punitive damages, and costs.¹ The judgment amount

¹ Complaint at 47 (Attachment 9 to Notice of entry of Judgment of Placer County Superior Court at 24).

was satisfied by Defendant and in a document from the Placer County Superior Court titled "Motion and Case Management Minutes," it is indicated that plaintiff (Complainant Brian Miller in this case) agrees that the original monetary judgment has been fulfilled and no further issues can be addressed.²

During the hearing on February 6, 2026, parties confirmed that the judgment amount discussed above had been paid and that there was no longer any issue concerning taxes and fees as raised in the Complaint. However, the Defendant alleged at hearing that an unauthorized charge was made pertaining to a \$1 paper billing fee.

The assigned Administrative Law Judge (ALJ) presiding over the hearing asked, and Defendant agreed, to immediately enroll Complainant to paperless billing which would eliminate future paper billing fees. Defendant also agreed to credit paper billing charges made subsequent to the May 19, 2025, Placer County Superior Court judgment. It was determined in the hearing that there were 2 months of unauthorized paper billing fees and \$2 was to be credited to Complainant's account. Defendant subsequently sent an e-mail confirming that it enrolled Complainant into paperless billing and credited \$2 to his account.

From the above, we find that the issues raised in the Complaint have been resolved.³ The Placer County Superior Court judgment already satisfied the charges in excess of the \$35 promotional period rate that have been made including taxes and fees. The remaining issue concerning unauthorized paper

² Defendant's Answer, Attachment 3.

³ As stated in the Complaint, the relief requested was to restore Complainant's monthly bill to the agreed-upon price of \$35 per month including taxes and fees.

billing charge has also been resolved. The promotional period is also over and there are no issues raised concerning rates or service beyond the promotional period.

When asked at the hearing if there were other matters that needed to be resolved, Complainant argues that the Superior Court decision states that its judgment does not adjudicate any CPUC violations as to whether Optimum has violated any applicable CPUC tariffs and that Defendant violated Pub. Util. Code §2890(a) which provides:

2890(a) A telephone bill may only contain charges for products or services, the purchase of which the subscriber has authorized.

While we agree that Optimum charged more than the agreed-upon \$35 promotional rate for several months, that issue has already been resolved by the Placer County Superior Court judgment. Complainant had already been reimbursed for all costs in excess of the promotional rate in addition to receiving awards for punitive damages (\$2,000) and costs (\$542.95).

With the issue concerning paper billing fees resolved after Complainant was enrolled in paperless billing and credited prior paper billing fees, no other action by the Commission is warranted.

Complainant alluded to knowing other customers that have also been charged by Optimum higher fees than agreed upon but these were not substantiated by any evidence. More importantly, this Complaint only encompasses issues that pertain directly to Complainant. This Complaint is also not the proper venue to raise policy issues pertaining to the Commission's

regulation and governance over telephone companies and over Defendant in particular.

Based on the foregoing discussion, we find that the Complaint should be dismissed.

4.1 New Issues Raised in Briefs

Complainant raised new issues in his Opening Brief including why he needed to file this Complaint to remove the paper billing fee and suggests corrective enforcement. During the hearing, Defendant stated that all customers had the option of enrolling in paperless billing and it is unclear whether Complainant could have accomplished this without filing this Complaint. More importantly, Complaint was immediately enrolled into paperless billing and credited past paper billing fees.

Complainant also mentioned that a licensed attorney (Ms. Prevete) participated for Optimum during the February 6, 2026, hearing. At the hearing, Optimum was represented primarily by Ms. Ashley Donnelly, a non-attorney. Ms. Prevete's participation was limited to providing additional information the few times she was called upon to do so.⁴

Complainant also raised new issues in his Opening Brief concerning additional relief requested. These requests were mentioned for the first time and so were not discussed or litigated during the hearing. Moreover, even upon full review, we find that the additional requests for relief are not merited.

⁴ Ms. Prevete is also not licensed to practice law in California being licensed in the state of New York as stated in Complainant's Opening Brief at 2.

Complainant requests a refund of all improperly charged amounts and cites violations GO 168 and GO 96-B regarding proper billing disclosures. As previously discussed, the billing issue and refund of unauthorized charges were already addressed in the Placer County Superior Court decision. The promotional period Complainant was enrolled in is also over and there is no dispute regarding his current billing other than the paper billing charges which this Complaint has addressed.

This Complaint is also not the proper type of proceeding to address suspension or revocation of Defendant's authority to operate or to address remedial actions against Defendant such as implementation of a more transparent billing plan, measures to prevent future violations, or the appointment of an independent monitor to ensure compliance. If these issues were to be addressed, it would be in a Commission rulemaking (OIR) or investigation (OII). The instant Complaint (as is the case for all Complaint proceedings) only addresses facts and issues that pertain directly to Complainant and his service. The additional requested relief is also not warranted given that the violation involves one customer and more importantly, the fact that Complainant has already been reimbursed all overcharged amounts. Complainant was even awarded additional credits not included in the Superior Court Order.

As noted, *supra*, this Complaint is also not the proper proceeding to raise whether an OII or enforcement proceeding should be initiated by the Commission. Such actions are also not supported by the record of the

proceeding. However, a copy of this decision shall also be served on the Commission's Communications Division for informational purposes.

5. Waiver of Comment Period

Pursuant to Rule 14.7(b), the 30-day public review and comment period required by Section 311 of the Public Utilities Code and the opportunity to file comments on the proposed decision is not applicable in Expedited Complaint proceedings. Accordingly, this matter was placed on the Commissioner's agenda directly for prompt action.

6. Assignment of Proceeding

Commissioner Karen Douglas is the assigned Commissioner and Rafael Lirag is the assigned Administrative Law Judge and Presiding Officer of this proceeding.

O R D E R

IT IS ORDERED that:

1. The Complaint filed by Brian Miller against CSC Holding LLC doing business as Optimum Communication, Inc. is dismissed.
2. Case 25-11-002 is closed.

This order is effective today.

Dated May _____, 2026, at San Francisco, California