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July 25, 2016

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BOARD OF PUBLIC UTILITIES
MAIL ROOM

VIA HAND DELIVERY

Irene Kim Asbury, Secretary
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor
Suite 314
P.O. Box 350
Trenton, New Jersey 08625-0350

In the Matter of the Alleged Failure of CSC TKR, LLC to Comply with Certain Provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:18-1.1 et seq.

BPU Docket No.: C016050416

Dear Ms. Asbury:

On behalf of Altice USA (hereinafter "the Company") and pursuant to N.J.A.C. 14:1-12.8 and the Board's Order in the above-captioned matter, we are providing this letter together with the attached affidavit of Paul Jamieson, Esq. (hereinafter "Jamieson Affidavit"), the Company's Vice President, Government & Policy, to substantiate the Company's request for confidential treatment of the information submitted pursuant to the Board's Order.

Confidential copies as well as public redacted copies of the information have also been sent via Hand Delivery to the Office of Cable Television and Telecommunications. All notices under N.J.A.C. 14:1-12.7 or 12.9 should be provided to **Paul Jamieson, Esq., Altice USA, 1111 Stewart Avenue, Bethpage, New York 11714, telephone – (516) 803-2544, fax – (516) 803-2585, E-Mail pjamieso@cablevision.com** and to the undersigned.

The Company seeks to maintain the confidentiality of proprietary commercial information, which if disclosed, would work to the advantage of the Company's competitors and, therefore, have an adverse impact on its competitive position.

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Specifically, Page 2, Paragraph 3 of the BPU's Order requires that the Company file verified proof by July 25, 2016 that it has implemented appropriate corrective action as of the date of the Offer of Settlement to ensure compliance with notice requirements regarding alterations to its channel allocation, compliance with the annual notice requirement relating to all monthly service packages and corresponding rates as well as compliance with requirements regarding periodic system performance reports. The Company's response to Condition Number 3 of the BPU's Order is set forth in the confidential certification of Paul Jamieson (hereinafter "Jamieson Certification").

The Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1, et seq., sets forth the definition of a "government record". Excluded from the definition of a "public record" and the concomitant obligation to disclose are "trade secrets and proprietary commercial or financial information obtained from any source" and "information which, if disclosed, would give an advantage to competitors or bidders." N.J.S.A. 47:1A-1.1. The Board has denied requests for the release of information that could unfairly provide an advantage to competitors.¹

In In the Matter of the Request for Solid Waste Utility Customer Lists, the New Jersey Supreme Court reviewed the authority of the Board to order that solid waste companies provide customer lists to the Board. In affirming the Board's right to the proprietary information, the Court stated:

Even so, we recognize that the lists are of value to appellants, and that the Board should provide adequate safeguards against public disclosure. . . . The Board itself recognized the confidential nature of the lists by providing in the order that "these lists will not be available for inspection or use by other collectors or the public as such public inspection is unnecessary to the Board's purposes in requiring the lists.

106 N.J. 508, 523-524 (1987) (citations omitted).

It is clear that our Legislature, the Board and the New Jersey Government Records Council ("GRC") have recognized that businesses in New Jersey should not be placed at a competitive disadvantage because of their submission of information to state or local government agencies. As noted, the Legislature specifically excluded "information which, if disclosed, would give an advantage to competitors or bidders" from the disclosure requirements in OPRA. This has been confirmed by the GRC in Joseph Belth v. N.J. Department of Banking and Insurance, Complaint No. 2003-29, dated March 8, 2004. In that case, the complainant requested a copy of records that would disclose the financial condition of an insurance company. In its decision, the GRC determined that the Department of Banking and Insurance had met its burden to show that the requested information is exempt under the "advantage to competitors" provision of OPRA and that the Department of Banking and Insurance had properly denied access to the information. The GRC reasoned that the information sought pertained to the insurance company's financial condition which if disclosed would give competitors an advantage. Therefore, New Jersey's approach is clear on its face. Adherence to

¹ See, e.g., Application of Jersey Central Power & Light Co. for Approval of the Power Purchase Agreement Between Jersey Central Power & Light Co. and Freehold Cogeneration Associates, L.P., Docket No. EM92030359, 1994 WL 53504, #2, Order Granting Motion for Protective Order (N.J. B.P.U. Sept. 8, 1994).

this approach will serve to protect all competitors in the broadband market, will allow for fair competition, and will permit regulated entities to disclose information to state agencies in a fair and orderly manner.

N.J.A.C. 14:1-12.8 sets forth criteria for substantiating a claim for the confidential treatment of information. Subsection (a) (6) of the above regulation calls for a description of the harm that would befall the Company should the specified information be disclosed. As noted above and stated in the Jamieson Affidavit, the Company has redacted the Jamieson Certification to avoid giving an advantage to competitors. It is clear that this information is highly confidential and proprietary in nature.

Access to the Jamieson Certification would give competitors detailed information on the Company's commercial operations and insight into its business plans. In contrast, the Company would not have similar intimate knowledge of its competitors' commercial operations and business plans to allow it to respond effectively to this kind of marketing strategy. Therefore, analysis of the Jamieson Certification would be of great benefit to the Company's competitors resulting in a distortion of competition in New Jersey, to the Company's financial detriment. See Belth v. N.J. Department of Banking and Insurance, Complaint No. 2003-29, dated March 8, 2004; see also Jamieson Affidavit at pages 2 and 3, para. 5.

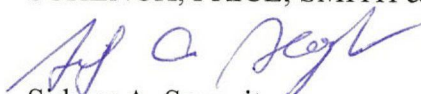
Moreover, it is clear that commercial information that provides details on the Company's operations constitutes proprietary information that should never be released to the general public. This information relates to operations of a company that should never be provided to individuals that may be in a position to damage the Company's reputation or economic standing. The Jamieson Certification is not a public document created by a public entity with public funds that may be routinely provided to the public. See, Jamieson Affidavit, page 3, para. 6.

In conclusion, it is respectfully submitted that the Jamieson Certification does not constitute a government record as that term is defined under N.J.S.A. 47:1A-1.1 and should be maintained by the Board of Public Utilities as confidential information. This information is clearly proprietary to the Company and, if released, would give an unfair, competitive advantage to its competitors that would have a significant adverse impact on the Company's financial position. Jamieson Affidavit at page 3, para. 9. Therefore, the clear prejudice to the Company requires continued confidential treatment of the Jamieson Certification.

Based on the foregoing, pursuant to N.J.A.C. 14:1-12.8 (a) (7), we ask that the Jamieson Certification be maintained by the Board in a confidential file for five (5) years from the date of this letter.

Respectfully submitted,

SCHENCK, PRICE, SMITH & KING, LLP

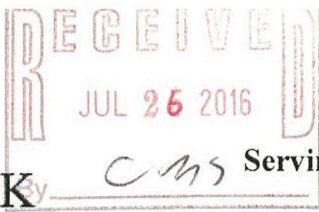


Sidney A. Sayovitz

Encls.

cc: Lawanda Gilbert, Director
Office of Cable Television and Telecommunications (via Hand Delivery)
Paul Jamieson, Esq.

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BPU Docket No.: C016050416

Dear Ms. Asbury:

On behalf of Altice USA, enclosed please find the confidential certification of Paul Jamieson, Esq., filed in response to the requirements set forth in Condition No. 3 of the Board's Order in the above-captioned matter.

Pursuant to N.J.A.C. 14:1-12.1 et seq., we have also enclosed Mr. Jamieson's affidavit along with supporting letter brief substantiating the claim of confidentiality.

Respectfully submitted,

SCHENCK, PRICE, SMITH & KING, LLP


Sidney A. Sayovitz

Encls.

cc: Lawanda Gilbert, Director
Office of Cable Television and Telecommunications (via Hand Delivery)
Paul Jamieson, Esq.

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BOARD OF PUBLIC UTILITIES
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**CERTIFICATION OF
PAUL JAMIESON**

**IN THE MATTER OF THE ALLEGED :
FAILURE OF CSC TKR, LLC TO COMPLY :
WITH CERTAIN PROVISIONS OF THE NEW :
JERSEY CABLE TELEVISION ACT, N.J.S.A. :
48:5A-1 ET SEQ. AND THE NEW JERSEY :
ADMINISTRATIVE CODE, N.J.A.C. 14:18-1.1 :
ET SEQ. :**

**BPU DOCKET NO.
CO16050416**

**STATE OF NEW YORK :
: ss:
COUNTY OF NASSAU :**

I, Paul Jamieson, being of full age, hereby certify as follows:

1. I am Paul Jamieson, Vice President, Government and Policy, Altice USA.
2. I am familiar with the information referenced in this Certification. I submit this Certification in response to the Board's May 25, 2016 Order in the above captioned matter (the "Order") and on behalf of the Cablevision Cable Entities, as that term is defined in FN1 of the Order, (collectively, Altice USA and the Cablevision Cable Entities are referred to herein as the "Company").

Regulatory Filings and Notices

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REDACTED

Call Answer Times

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REDACTED

REDACTED

REDACTED

Tom J. [Signature]

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Attorneys for Altice USA

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REDACTED

REDACTED

Call Answer Times

REDACTED

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REDACTED

REDACTED

For [Signature]

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JUL 26 2016
By *CAS*

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(973) 539-1000
Attorneys for Altice USA

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COUNTY OF NASSAU :

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Call Answer Times

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REDACTED

For [Signature]



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 (973) 539-1000
 Attorneys for Altice USA

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**BOARD OF PUBLIC UTILITIES
 MAIL ROOM**

**AFFIDAVIT OF
 PAUL JAMIESON**

**IN THE MATTER OF THE ALLEGED :
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 WITH CERTAIN PROVISIONS OF THE NEW :
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 ADMINISTRATIVE CODE, N.J.A.C. 14:18-1.1 :
ET SEQ. :**

BPU DOCKET NO. CO16050416

**STATE OF NEW YORK :
 : ss:
 COUNTY OF NASSAU :**

I, PAUL JAMIESON, being of full age, being duly sworn, deposes and says:

1. I am Vice President, Government and Policy, for Altice USA (hereinafter “the Company”).
2. I am familiar with the information referenced in this affidavit provided pursuant to the Order in the above-captioned matter issued by the New Jersey Board of Public Utilities on or about May 25, 2016 (hereinafter “BPU’s Order”). I submit this affidavit in support of the Company’s request for confidential and proprietary treatment of same. If called as a witness, I could and would testify competently to the same.

3. Page 2, Paragraph 3 of the BPU's Order requires that the Company file verified proof by July 25, 2016 that it has implemented appropriate corrective action as of the date of the Offer of Settlement to ensure compliance with notice requirements regarding alterations to its channel allocation, compliance with the annual notice requirement relating to all monthly service packages and corresponding rates as well as compliance with requirements regarding periodic system performance reports. The Company's response to Condition Number 3 of the BPU's Order is set forth in the confidential certification of Paul Jamieson (hereinafter "Jamieson Certification").


4. The Company has redacted the Jamieson Certification because it consists of highly confidential proprietary commercial data, which if disclosed, could place the Company at a competitive disadvantage. Access to the Jamieson Certification would give competitors detailed information on the Company's capacity to serve customers, including internal procedures utilized to ensure compliance with regulatory requirements. In contrast, the Company would not have similar intimate knowledge of its competitors' commercial operations and internal procedures to allow it to respond effectively to this kind of marketing strategy. Therefore, analysis of the Jamieson Certification would be of great benefit to the Company's competitors resulting in a distortion of competition in New Jersey, to the Company's financial detriment.

5. It is clear that commercial information that provides details on the Company's operations constitutes proprietary information that should never be released to the general public. This information relates to operations of a company that should never be provided to individuals that may be in a position to damage the Company's reputation or economic standing. The Jamieson Certification is not a public document created by a public entity with public funds that may be routinely provided to the public.

6. The Jamieson Certification is not available to the general public and has not been publicly divulged. The Company has taken precautions to make sure that this information does not enter the public domain.

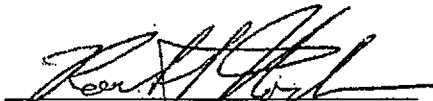
7. Maintaining the confidentiality of the Jamieson Certification will not harm the general public.

8. In view of the foregoing, it is clear that the Jamieson Certification is confidential and if disclosed, would give competitors an undue competitive advantage that would have a significant adverse impact on the Company's financial position. Therefore, the clear prejudice to Company and the unfair advantage to its competitors require continued confidential treatment for at least five years from the date of this affidavit.



PAUL JAMIESON

Sworn before me this
25th day of July 2016


Notary Public

ROBERT HOCH
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02HO6002764
QUALIFIED IN WESTCHESTER CO.
COMMISSION EXPIRES FEB. 17, 2018