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CASE MANAGEMENT

PUBLIC VERSION

April 16, 2019

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

Via FedEx Overnight Mail
Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
Trenton, NJ 08625

Re: In the Matter of the Petition of Time Warner Cable New York City LLC, l/k/a Charter Communications, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Teterboro, County of Bergen, State of New Jersey
Docket No.: CE18101144
Our File No. 41008.5000

Dear Secretary Camacho-Welch:

On October 17, 2018 this office filed, on behalf of Time Warner Cable New York City LLC, l/k/a Charter Communications ("Charter" or "Company"), an original and eleven (11) copies of a Verified Petition and Verification ("Petition"), along with three (3) copies of Charter's public Application for Renewal of a Certificate of Approval ("Application") with respect to the Borough of Teterboro ("Borough"). The Petition was assigned Docket No. CE18101144. In connection with its Petition, Charter additionally submitted three (3) confidential copies of its Application.

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TRENTON, NJ

Charter is hereby amending page 15 of its Application (Section VI. System Plant) to include additional information relative to its aerial and underground mileage in the Borough ("amended page 15"). Three (3) copies of the amended page 15 of the Application, marked "confidential" and three (3) copies marked "Public" are accordingly enclosed herewith.

In accordance with N.J.A.C. 14:1-12 et seq., Charter respectfully submits that certain designated information contained in the amended page 15 is proprietary commercial information and, as such, that the amended page 15 does not constitute a government record under the New Jersey Open Public Records Act, P.L. 2001, c. 404 (N.J.S.A. 47:1A-1 et seq.). Such information is therefore exempt from public disclosure. With its October 17, 2018 filing, Charter submitted the Affidavit of its Vice President, State Government Affairs, Rodney S. Capel, to substantiate its confidentiality claim with respect to its Application. Mr. Capel's Affidavit describes the basis of Charter's confidentiality claim, which description includes the information in the amended page 15 relative to the Company's system plant. Charter therefore relies on Mr. Capel's October 15, 2018 Affidavit, which is attached again with this submission, to substantiate its confidentiality claim as to the amended page 15.

CMS
C. Artale, Esq.
C. Vachon, Esq.

Aida Camacho-Welch, Secretary

April 16, 2019

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file the Affidavit and amended page 15 of the Application and please return the extra copy of this letter, the Affidavit and the amended page 15 of Application stamped "RECEIVED" in the self-addressed, stamped envelope provided herein.

Thank you for your kind consideration. You may direct all custodian communications to the undersigned.

Very truly yours,



Laura M. Miller

For the Firm

LMM/dp

cc: Lawanda R. Gilbert, Director (w/enc. via FedEx Overnight Mail)
Nancy J. Wolf, Administrative Analyst 4 (w/enc. via FedEx Overnight Mail)
Stefanie A. Brand, Director (w/enc. via first class mail)
Maria T. Novas-Ruiz, Assistant Deputy Rate Counsel (w/enc. via first class mail)
Virginia A. Alcuri, Borough Clerk (w/enc. via first class mail)

STATE OF NEW JERSEY
 BOARD OF PUBLIC UTILITIES
 OFFICE OF CABLE TELEVISION & TELECOMMUNICATIONS

SCARINCI & HOLLENBECK, LLC
 1100 Valley Brook Avenue
 P. O. Box 790
 Lyndhurst, New Jersey 07071
 (201) 896-4100
 Attorneys for Petitioner
 Time Warner Cable New York City LLC,
 l/k/a Charter Communications
 Our File No. 41008.5000

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OCT 18 2018

BOARD OF PUBLIC UTILITIES
 TRENTON, NJ

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 OCT 18 2018
 BOARD OF PUBLIC UTILITIES
 TRENTON, NJ

IN THE MATTER OF THE PETITION OF)
 TIME WARNER CABLE NEW YORK CITY)
 LLC, L/K/A CHARTER COMMUNICATIONS,)
 FOR A RENEWAL CERTIFICATE OF)
 APPROVAL TO CONTINUE TO)
 CONSTRUCT, OPERATE AND MAINTAIN A)
 CABLE TELEVISION SYSTEM IN AND FOR)
 THE BOROUGH OF TETERBORO, COUNTY)
 OF BERGEN, STATE OF NEW JERSEY)

Docket No.

AFFIDAVIT

STATE OF NEW YORK)
) SS:
 COUNTY OF MANHATTAN)

RODNEY S. CAPEL, being of full age and duly sworn according to law, does hereby
 depose and state as follows:

1. I am Vice President, State Government Affairs, of Charter Communications, Inc.,
 indirect parent company of Time Warner Cable New York City LLC, l/k/a Charter
 Communications ("TWC/NYC" or "Petitioner"), Petitioner in the above-captioned matter. As
 such, I am familiar with the nature and contents of the Application for a Renewal Certificate of

Approval ("Application") simultaneously being filed in this matter.

2. I make this affidavit in support of the accompanying Application being filed by TWCNYC for renewal of a Certificate of Approval to continue to construct, operate and maintain its cable television system in the Borough of Teterboro, County of Bergen, New Jersey ("Municipality").

3. TWCNYC's Petition and Application are being filed pursuant to N.J.S.A. 48:5A-1 *et seq.* and the Regulations of the New Jersey Board of Public Utilities ("Board"), N.J.A.C. 14:18-13 *et seq.*

4. In support of the Application in the above-captioned matter, TWCNYC has provided certain information regarding its Receiving Site/Head End (Section V, subsections 4 and 5), System Plant (Section VI) and System Design Standards (Section VII) (collectively referred to as "System Specifications"). The System Specifications contain sensitive proprietary commercial information ("Confidential Information") that is confidential and non-public information and therefore does not constitute a "government record" under N.J.S.A. 47:1A-1.1.

5. I make this affidavit in accordance with N.J.A.C. 14:1-12.8 to substantiate TWCNYC's claim that the System Specifications submitted to the Board are confidential.

6. Public safety concerns related to the reliability of communications networks such as TWCNYC's system, and the increasingly competitive marketplace, warrant confidential treatment of this information.

7. The System Specifications are protected by TWCNYC by making them available only to senior management of TWCNYC or such other management or employees who have a need to know such information in order to perform their functions on behalf of TWCNYC. The System Specifications may also be made available to TWCNYC's lenders or outside accounting

and legal professionals who are obligated to maintain confidentiality or privilege. However, to the extent that the System Specifications have been or may be disclosed to others, TWCNYC has done or will do so by way of a confidentiality agreement, whereby it has been or will be agreed by the parties thereto that the Confidential Information: (i) shall be used solely for purposes relating to the matter specified therein, and (ii) shall be maintained in secure files, separate from public information. Such agreements provide or will provide that no other disclosure shall be made to any person or entity, except with the express written consent of TWCNYC or its legal counsel.

8. The Confidential Information is not contained in materials that are routinely available to the general public, including but not limited to Board Orders, press releases, copies of speeches, promotional or educational materials (although some prior similar information may sometimes have been made available in years past).

9. To the best of my knowledge, the System Specifications have not previously been subject to a confidentiality determination by the Board or any other State or court of competent jurisdiction; however, a finding that such data are confidential would be entirely consistent with policies and decisions of the Federal Communications Commission ("FCC") with respect to submission of cable system and other data on FCC forms and in connection with other matters pending before the FCC. *See, e.g., Request for Confidentiality for Information Submitted on Forms 325 for the Year 2004*, Order, 21 FCC Rcd 2312, ¶ 12 (2006) (finding that certain subscriber data, plant metrics, and other information submitted on FCC Form 325 are entitled to confidential treatment and noting that the FCC generally does not publish similar data collected on FCC Form 477); *Local Competition and Broadband Reporting*, Report and Order, 15 FCC Rcd 7717, ¶ 91 (2000) (stating the FCC's general policy of affording confidentiality to the

maximum extent possible in order to encourage regulated entities to be fully forthcoming in response to requests for information); Appendix A to Order Adopting Protective Order, 20 FCC Rcd 10751 (2005) (reflecting that, in the context of its review of major cable transactions, the FCC typically treats any information that is not otherwise available from public sources as confidential and subject to protection from disclosure). Furthermore, to the extent that the Board has previously determined that any data submitted in connection with initial or renewal cable television franchise applications are confidential and protected from disclosure, TWCNYC requests that its data be afforded similar treatment.

10. The System Specifications would provide vandals, criminals, terrorists, competitors and/or potential competitors with certain sensitive technical information that would provide insight into TWCNYC's network design, thereby allowing such wrongdoers, competitors and/or potential competitors to gain knowledge of TWCNYC's system capabilities. As such, the disclosure of the System Specifications to such parties would have a deleterious effect with respect to system integrity and/or TWCNYC's competitive position. Additionally, the disclosure of this information would provide competitors with valuable insights into the company's operational strengths and weaknesses and would facilitate the development of strategic and competitively harmful response by competitors.

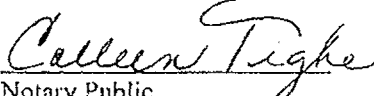
11. TWCNYC requests that the System Specifications provided to the Board be treated as confidential before, during, and after the proceedings in the above-captioned matter, unless the information or documents are formally adjudicated through an unappealed, final decision of the Board, the Office of Administrative Law, or other administrative agency of competent jurisdiction, or any court of competent jurisdiction, to be non-confidential.

12. Due to the sensitive nature of the System Specifications, TWCNYC respectfully submits that it is appropriate for the Board to limit access to such information. The Confidential Information being provided is for the use of the Board, the Office of the New Jersey Attorney General ("AG"), and the New Jersey Ratepayer Advocate ("RA") in exercising their governmental functions relating to this matter and for no other purpose. There is no legitimate purpose to be served in disclosing this proprietary material to TWCNYC's competitors or, indeed, to any person other than the appropriate staff of the Board, AG and RA.

13. TWCNYC therefore respectfully requests that the Board issue a determination that the System Specifications are confidential and as such exempt from public disclosure and that the availability of such information will be limited accordingly.


RODNEY S. CAPEL

Sworn and subscribed to before me this
15 day of October, 2018


Notary Public

COLLEEN TIGHE
Notary Public, State of New York
No. 01T16324351
Qualified in Richmond County
Commission Expires May 4, 2019

VI. System Plant
(current information as of April 16, 2019)

For a renewal, indicate: _____ existing; _____ proposed.

1. Fill in the following:
(If construction is complete, provide completed mileage figures)

2. Rate of annual construction (in terms of total primary service area).
(New systems, rebuilds and extensions)

		<u>miles of plant</u>	
		<u>supertrunk trunk distribution</u>	<u>% of Primary</u>
1 st year	aerial underground		
2 nd year	aerial underground		
3 rd year	aerial underground		
4 th year	aerial underground		
5 th year	aerial underground		

