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March 17, 2017

VIA ELECTRONIC MAIL

Clover Sellden
Regulatory Analyst
California Public Utilities Commission
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Re: Comments on High Impact Areas for Broadband Availability, Staff White Paper

Dear Ms. Sellden:

On behalf of Charter Communications, Inc., we submit the following comments on the February 2017 "High Impact Areas for Broadband Availability" White Paper (the "White Paper").

Since its inception in 2008, the CASF has encouraged the deployment of high-quality advanced communications services in California with a goal of providing broadband access to 98 percent of all California households. To reach this laudable goal, the statute now makes unmistakably clear that it expects the Commission to focus on "projects that provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider." Sen. Bill 745 (2016), codified at Cal. Pub. Util. Code § 281(b)(2).

Charter commends the Communications Division Staff ("CD") for renewing its commitment to use the funds made available through the CASF, consistent with this statutory directive, to extend broadband service to households and communities that are currently unserved or underserved. In particular, Charter supports the White Paper's sensible approach and criteria for identifying "priority areas" where CASF funds will have the largest impact.

Charter also applauds the CD staff for soliciting dialog and comment from stakeholders and the public in the development of a systematic approach for targeting usage of CASF funding in areas where it will do the most good. The White Paper is a positive step forward; accordingly, we offer the following comments to ensure that the new approach is both effective and fair.

1. Proposed “Fast Track” Process Must be Clearly Defined and Include an Opportunity to Challenge

The White Paper suggests that projects proposing to serve households in priority areas may be elevated to “fast track” application procedures but does not specify what these procedures may entail. The statute requires that CD Staff and the Commission preserve a robust challenge process allowing private broadband providers an opportunity to challenge applications for CASF funding in areas that are already served. See Sen. Bill 745 (2016), codified at Cal. Pub. Util. Code § 281(b)(2). It is essential that any “fast track” process balance the need for speedy broadband deployment in priority areas with recognition of private investment already made by existing broadband providers.

Accordingly, any procedure enabling the Commission to “fast track” projects within the thirteen “high impact” areas must provide a reasonable time period and process for private broadband providers to challenge an application in an area where they have already invested capital to serve at or above the Commission definition of service.

2. Criteria for “High Impact” Areas Should Take into Consideration areas where Merger Commitments Exist

In accordance with D.16-05-007, Charter agreed to rebuild its broadband footprint in both Phelan and Prunedale/Aromas/Salinas – two of the priority areas identified in the White Paper. In Phelan, Charter completed its rebuild in December 2016, revitalizing its plant and improving broadband services available in 250 census blocks identified in the White Paper as high impact. Similarly, Charter is scheduled to complete the rebuild of its plant in Prunedale/Aromas/Salinas no later than May 2019.

Charter’s broadband footprint has significant overlap with the White Paper’s high impact priority areas throughout both Phelan and Prunedale/Aromas/Salinas. Great care should be given to the devotion of state resources in areas that border those already, or soon to be, served by existing providers such as Charter. This will ensure both efficiency and the maximum utility of remaining CASF funds, as well as consistency with statutory obligations.

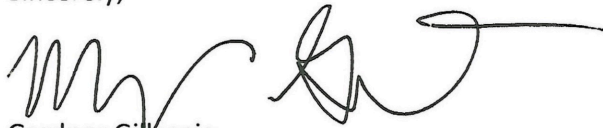
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In summary, Charter supports CD Staff's efforts to implement a targeted approach to disbursement of the remaining, limited grant funds in meeting the CASF's goal of broadband availability to 98% of households. To guarantee that goal is met, we suggest 1) an application process that allows reasonable time and procedures for challenges from private broadband companies that already provide service; and 2) the adoption of criteria that require consideration of where rebuild obligations already exist as part of merger commitments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gardner Gillespie', with a long horizontal flourish extending to the right.

Gardner Gillespie
Megan Grant

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP