



**VIA ELECTRONIC MAIL**

September 16, 2024

Fadi Daye, P.E.  
Program and Project Supervisor  
Electric Safety and Reliability Branch  
Safety and Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298

**Re: Charter Communications, Inc. Response to SED West Ventura County District Audit**

Dear Mr. Daye:

This letter is in response to your August 7, 2024 letter and Audit Report of Charter Communications, Inc.'s ("Charter") West Ventura County District.

Please see the two attached letters and spreadsheets with our CONFIDENTIAL and redacted public version responses to issues identified during the Records Review and Field Inspection.

Also enclosed is a declaration supporting Charter's request for confidential treatment of both the information in this letter as well as the attached confidential spreadsheet.

**I. RECORDS REVIEW RESPONSES**

**Charter Response: First, please note that many of the alleged violations from this section were due to the fact that our pre-audit data records were submitted in March 2023 for an audit that was originally scheduled for 4/3/2023 to 4/7/2023 and subsequently rescheduled at the request of ESRB to 4/29/2024 – 5/3/2024. The newly assigned ESRB Auditor instructed Charter that a decision had been made to use the existing pre-audit data rather than asking us to file updated data.**

*Charter's records indicated that from January 1, 2018 to January 31, 2023, Charter completed 57 overhead patrol inspections of its nodes past Charter's scheduled due date. Additionally, Charter's records indicated that from January 1, 2018 to January 31, 2023, Charter completed 179 overhead detailed inspections of its nodes past Charter's scheduled due date.*

**Charter Response:** In the pre-audit data submitted in the attached document titled “CONFIDENTIAL 2023 Charter West Ventura County Pre-Audit Data,” it appears that the inspector may have referred to the work order data on Tab E rather than the inspection records which are on Tab D. Tab D documents the patrol and detailed inspection records completed by our internal inspectors.

*Charter’s records indicated that from January 1, 2018 to January 31, 2023, Charter completed 302 overhead work orders past Charter’s due date for corrective action. Additionally, as of the date of the audit, Charter had 35 open overhead work orders that were past Charter’s scheduled due date for corrective action.*

**Charter Response:**

[REDACTED]

[REDACTED]

*Charter’s records indicated that from January 1, 2018 to January 31, 2023, Charter completed 15 underground work orders past Charter’s due date for corrective action.*

**Charter Response:**

[REDACTED]

### **III. FIELD INSPECTION RESPONSES**

Charter’s responses to the Field Inspection section are attached in the document titled “CONFIDENTIAL Charter Response to West Ventura Technical Audit CA2024-1133.”

If you have questions regarding this response, please feel free to reach out to either Torry Somers ([torry.somers@charter.com](mailto:torry.somers@charter.com)) or to myself ([howard.pointer@charter.com](mailto:howard.pointer@charter.com)).

Fadi Daye, P.E.  
September 16, 2024  
Page 3 of 5

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Pointer", with a long horizontal flourish extending to the right.

Howard Pointer  
Area Vice President

cc: Lee Palmer, Director, Safety and Enforcement Division, CPUC  
Nika Kjetsli, Program Manager, ESRB, SED, CPUC  
Kyle King, Utilities Engineer, ESRB, SED, CPUC  
Torry R. Somers, Vice President Regulatory Affairs, Charter  
Lisa Ludovici, Director Government Affairs, Charter

**DECLARATION OF TORRY R. SOMERS  
SEEKING CONFIDENTIAL TREATMENT**

**I, Torry R. Somers, declare as follows:**

1. I am Vice President, State Regulatory Affairs, of Charter Communications, Inc. ("Charter") and am authorized to make this declaration.
2. Charter is submitting its spreadsheet response ("Response") to the April 29<sup>th</sup> -May 3rd, 2024 Safety and Enforcement Division Audit Report of West Ventura County District, with this request for confidential treatment made pursuant to Sections 3.2 of General Order ("GO") 66-D.
3. *Audit Information:* I am informed and believe that the Public Records Act, including but not limited to California Government Code §§ 7923.600, 7929.215, and 7930.100 protects against disclosure of investigatory information, which includes the type of audit information set forth in the attached.
4. *Critical Infrastructure Information:* The Response contains sensitive information regarding Charter's network infrastructure. I am informed and believe that the California Public Records Act protects against disclosure of confidential "utility systems development" data, like the data contained herein. California Government Code § 7927.300. Moreover, I am informed and believe that state law protects against disclosure that is prohibited under federal law—federal law protects against the disclosure of information regarding critical infrastructure (6 U.S.C. § 673), which has been found to include communications network information like the information being submitted here. The information is not customarily in the public domain and is not solely related to the location of a particular physical structure that is visible with the naked eye. The enclosed infrastructure information is critical to our nation's communications networks, and disclosure of these records could harm public safety and network reliability by exposing to attack specific locations, operations, and functionalities of communications and utility infrastructure.
5. *Trade Secret:* The Response contains confidential network and operational information that is not disclosed to the public. This Response contains information that reveals unique planning, design and implementation efforts used to provide safe, reliable and competitive service to consumers in these areas. I am informed and believe that this information has significant value to Charter. This information would, if disclosed, provide access to information that would harm the private economic interests of Charter and could jeopardize the security of its network. I am informed and on this basis declare that the information provided constitutes a trade secret as defined by California Civil Code § 3426.1 and California Evidence Code Section 1061 — California Government Code §§ 7927.605 and 7930.105 exempts from public disclosure competitively sensitive information that constitutes a trade secret.

6. *Public Interest Not to Disclose*: The Response contains competitively sensitive material, and critical information not available to the public, that would be harmful to Charter if publicly disclosed, which weighs in favor of non-disclosure under California Government Code § 7922.000. In contrast to the direct harm that Charter would suffer from disclosure — by losing its competitive advantage with respect to operations and network design and management and jeopardizing the safety of its network — there would be no apparent benefit to the public from disclosure of the responses. Further, a failure to preserve the confidentiality of the records would discourage compliance with disclosure requirements and undermine the Commission’s ability to perform its duties.
  
7. To the extent that there is a need to make contact regarding potential release of information, such contact should be made to Torry Somers, [torry.somers@charter.com](mailto:torry.somers@charter.com) or Charter’s counsel, [zzankel@jenner.com](mailto:zzankel@jenner.com).

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the CPUC’s Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this declaration are true and correct.

Executed on this 16<sup>th</sup> day of September, 2024 at El Segundo, CA.



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Torry R. Somers





























































































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