

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 30th day of July 2021.

CASE NO. 21-0515-CTV-SC-GI

CEBRIDGE ACQUISITION, LLC, dba SUDDENLINK COMMUNICATIONS, a provider of cable television service;
CEQUEL III COMMUNICATIONS I LLC, dba SUDDENLINK COMMUNICATIONS, a provider of cable television service;
and CEQUEL III COMMUNICATIONS II LLC, dba SUDDENLINK COMMUNICATIONS, a provider of cable television service.

COMMISSION ORDER

The Commission grants several petitions to intervene and a motion to extend the time to provide responses.

BACKGROUND

On July 1, 2021, the Commission opened this proceeding to require Suddenlink Communications (Suddenlink) to show cause why the Commission should not impose statutory penalties for noncompliance with legal requirements set forth in W. Va. Code § 24D-1-1 et seq., the Cable Television Systems Act, or recommend the alteration, revocation or suspension of its cable franchises in West Virginia. The Commission scheduled a public comment hearing in Beckley on August 23, 2021, two public comment hearings on August 24, 2021, and an evidentiary hearing on August 26, 2021, in Charleston.

On July 21, 2021, the Cities of Beckley, Charleston and Elkins petitioned to intervene in this matter. Each is the local franchise authority for cable television service provided by Suddenlink in their respective cities. Petition to Intervene at 1-2 (July 21, 2021).

On July 21, 2021, Commission Staff filed a Motion to Reduce the Time Period to Respond to Data Requests. July 30, 2021, is the deadline for Suddenlink's response to the Commission Order, and August 19, 2021, is the deadline for Staff's Reply to the Suddenlink filing. Staff planned to file discovery requests and because of the expedited nature of this proceeding asked the Commission to reduce the time period for responses to data requests to 10 days from the standard 20 days and the time for objections to

5 days from the standard 14 days. Staff did not object to the Petition to Intervene filed by Beckley, Charleston and Elkins. Staff Motion to Reduce Time at 1-2 (July 21, 2021).

On July 22, 2021, Staff issued 86 data requests, several with subparts, and asked Suddenlink to provide the requested data by August 5, 2021, and file any objections within five days of service of the data requests, subject to a Commission Order on Staff's request to shorten the time periods. Staff 1st Data Requests to Suddenlink (July 22, 2021).

On July 23, 2021, Suddenlink opposed Staff's motion, asserting that the Commission Order required a significant amount of information, and Suddenlink was working diligently to produce as much information as possible by July 30, 2021. Suddenlink argued that it would be unreasonable to expect Suddenlink to respond to the Staff Requests within twenty days, let alone ten days, on top of responding to the Commission Order. Because there is notable overlap in the areas of inquiry in the Commission Order and Staff Requests, Suddenlink proposed to consolidate its response to the Commission Order and the Staff Requests. Suddenlink asked the Commission to 1) deny Staff's motion, 2) allow Suddenlink until September 30, 2021, to respond to both the Commission Order and the Staff Requests, and 3) amend the procedural schedule to allow Staff additional time to submit its final recommendation. Alternatively, Suddenlink asked the Commission to deny Staff's motion and strike entirely, or sharply limit, the Staff Requests. Suddenlink Response at 1-2.

On July 26, 2021, the Commission Consumer Advocate Division (CAD) petitioned to intervene.

On July 27, 2021, the Kanawha County Commission petitioned to intervene. Kanawha County asserted that it has received numerous complaints regarding Suddenlink's cable and internet services and the franchise agreement (which runs through 2024) requires Suddenlink to improve its process for addressing customer complaints in the unincorporated areas of Kanawha County.

DISCUSSION

The Commission will grant the Suddenlink motion in part and extend the time period to respond to the Commission Order and Staff requests until August 31, 2021. The time period for Staff's reply is extended until September 21, 2021.

The public hearings will be conducted as scheduled, and the evidentiary hearing will be rescheduled for October 6, 2021.

Beckley, Charleston, Elkins, CAD and the Kanawha County Commission each has a legal interest in this proceeding, and the Commission will grant the Petitions to Intervene.

FINDINGS OF FACT

1. Suddenlink requested more time to respond to the Commission Order and Staff Requests.

2. Beckley, Charleston, Elkins, and the Kanawha County Commission are the local franchise authority for cable television service provided by Suddenlink in their respective areas. Beckley, Charleston & Elkins Petition to Intervene at 1-2 (July 21, 2021); Kanawha Co. Comm’n Petition to Intervene at 1-2 (July 27, 2021).

CONCLUSIONS OF LAW

1. Suddenlink should have additional time to respond to the Commission Order and Staff Requests.

2. Beckley, Charleston, Elkins, CAD and the Kanawha County Commission each have a legal interest in this proceeding.

ORDER

IT IS ORDERED that the following revised procedural schedule is adopted:

Public comment hearing	5:00 p.m. Monday, August 23, 2021 Beckley-Raleigh County Courthouse 215 Main Street, 2nd Floor Ceremonial Courtroom – Main Courthouse Beckley, West Virginia
Public comment hearings	10:30 a.m. and 6:00 p.m. Tuesday, August 24, 2021 Howard M. Cunningham Hearing Room Commission Headquarters, 201 Brooks Street Charleston, West Virginia
Suddenlink Responses to Commission Order and Staff Data Requests	4:00 p.m. Tuesday, August 31, 2021
Staff Reply to Suddenlink	4:00 p.m. Tuesday, September 21, 2021
Evidentiary hearing	9:30 a.m. Wednesday, October 6, 2021 Howard M. Cunningham Hearing Room Commission Headquarters, 201 Brooks Street Charleston, West Virginia

IT IS FURTHER ORDERED that the Petitions to Intervene filed by the Cities of Beckley, Charleston and Elkins, the Consumer Advocate Division and the County Commission of Kanawha County are granted.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, and by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Commission Staff by hand delivery.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Connie Graley".

Connie Graley, Executive Secretary

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