

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



Phone: (304) 340-0300
Fax: (304) 340-0325

September 21, 2021

Andrew T. Gunnoe, Esq.
Kanawha County Commission
PO Box 3627
Charleston, WV 25336

RE: Case No. 21-0515-CTV-SC-GI
Cebridge Acquisition, LLC, dba Suddenlink Communications,
Cequel III Communications I LLC, dba Suddenlink Communications,
and Cequel III Communications II LLC, dba Suddenlink Communications

Dear Mr. Gunnoe:

Pursuant to Rule 4.3.c of the Commission's Rules of Practice and Procedure, we are enclosing a copy of the Staff memorandum in this matter. Any responses must be submitted to the Executive Secretary's Office in writing within 10 days of this date, unless directed otherwise.

Your failure to respond in writing to the utility's answer, Staff's recommendations, or other documents may result in a decision in your case based on your original filing and the other documents in the case file, without further hearing or notice.

If you have not done so, you are encouraged to file the Electronic Mail Agreement, previously mailed to you, which allows the Commission to serve all orders issued in this matter via electronic docket notification.

When you provide an email address, you will automatically receive docket notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to caseinfo@psc.state.wv.us and state the case number in the email subject field.

PLEASE NOTE: The Public Service Commission has adjusted its filing procedures during COVID-19 Pandemic: All public utilities and parties to Commission cases are to follow the directives in General Order 262.3, issued April 7, 2020. Filings of 30 pages or less should be filed in formal cases via email sent to caseinfo@psc.state.wv.us. All filings over 30 pages should be sent by U.S. Postal Service or other commercial courier services, whenever possible. Individuals who are unable to file via email may file via fax or file paper copies. The Commission will continue to receive hand-delivered filings prior to 3:30 p.m. if at all possible.

Sincerely,

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

Connie Graley
Executive Secretary

CG/jt
Enc. Memo

FINAL JOINT STAFF MEMORANDUM

TO: CONNIE GRALEY
Executive Secretary

DATE: September 21, 2021

FROM: LINDA S. BOUVETTE 
Staff Attorney

and

BROOKE A. HIRST
Staff Attorney

RE: CASE NO. 21-0515-CTV-SC-GI
CEBRIDGE ACQUISITION, LLC, DBA SUDDENLINK
COMMUNICATIONS, CEQUEL III COMMUNICATIONS I LLC,
DBA SUDDENLINK COMMUNICATIONS AND CEQUEL III
COMMUNICATIONS II LLC, DBA SUDDENLINK
COMMUNICATIONS

STAFF RECOMMENDATIONS

Based on its review of the Response filed by Suddenlink to the Commission's July 1, 2021, order and its Responses to the Staff's First Set of Data Requests, Staff makes the following recommendations:

1. Staff recommends that a trackable process be implemented for Suddenlink to submit notices for cable service outages lasting over 24 hours.
2. Staff recommends that Suddenlink be required to schedule appointments within 3 days of the customer call to the Call Center. Suddenlink should be required to report to the Commission any appointments that are scheduled out longer than 3 days from the date the customer called the Call Center.
3. Staff recommends that the escalation policy submitted by Suddenlink in Case No. 20-0766-CTV-C, be effective for all West Virginia subscribers once accepted and approved by the Commission.
4. Staff recommends that if a "call-back" policy is adopted, that Suddenlink ensure that it is working properly. Staff further recommends that call centers be adequately staffed with representatives that can answer and respond to customer calls without having

the customers sit in queue for the extended periods of time reported by a number of complainants.

5. Staff recommends that Suddenlink be required to modify its system as necessary to provide all subscribers the option of basic tier 1 (local channels and public television) to serve low-income families.

6. Staff recommends that Suddenlink be required to process its mail in a timely manner to ensure payments are promptly credited to accounts.

7. Staff recommends that Suddenlink be required to authorize its business office employees to make service technician appointments, resolve customer issues, make refunds or give credits, accept payment for bills, etc. rather than just dealing with equipment returns.

8. Staff recommends that Suddenlink be required to file updates to cable upgrades as well as routine maintenance reports.

9. Staff recommends that Suddenlink be required to use its employees rather than contractors to complete service and installation work.

10. Staff recommends that Suddenlink be required to explain to the Commission why rates for West Virginia customers appear to randomly change with little to no explanation.

11. Staff recommends that Suddenlink be required to provide sufficient information and documentation that the surcharges, fees and costs on customers' bills are merely pass-throughs.

12. Staff recommends that the Commission require Suddenlink to develop a plan with a firm timeline that addresses the issues raised by Staff in its memoranda and as may be presented at the evidentiary hearing scheduled for October 6, 2021.

13. Staff recommends that Suddenlink be required to open a call center in West Virginia.

14. Staff recommends that Suddenlink be required to conduct an audit of each West Virginia county and its E911 collections and remittances for the time period 2018-2020 and file the results with the Commission. Any under-remittance of E911 fees should be immediately paid over to the appropriate county commission.

15. Staff recommends that Suddenlink be required to use the “Parent-Child” ticket format to ensure that all subscribers affected by an outage receives a refund or credit without the necessity of calling in twice to request it.
16. Staff recommends that Suddenlink ensure that its contractors are duly licensed and registered with the state of West Virginia and meet the required workers compensation and unemployment compensation requirements.
17. Staff recommends Suddenlink reduce the number of contractor-service technicians by replacing them with actual employee-service technicians.
18. Staff recommends that Suddenlink be required to follow the Cable Television Rules regarding franchise agreements, including the application process for granting or renewing a cable franchise. Staff further recommends that the Commission adopt a formal process to docket, review and approve franchise agreements and their renewals.
19. Staff recommends that Suddenlink follow the Cable Television Rules and charge no more than \$2 as a late fee.
20. Staff recommends that the Commission impose on Suddenlink the maximum penalties allowed by law for failure to provide adequate quality of service to its West Virginia subscribers and for its slow recognition of customer service problems in the state.

INTRODUCTION

The Commission’s order of July 1, 2021, requested certain information from Suddenlink which was provided on August 31, 2021. The order also required Staff to provide a Reply to Suddenlink’s filing, which response is due on September 21, 2021. Staff chose to file its Reply in the form of a Final Staff Memorandum, summarizing its review of the filings made by Suddenlink in response to the Commission’s order, Staff’s data requests and the data requests filed by the Intervening Parties.

Staff prefaces its Response by noting Suddenlink’s position that it “faced performance challenges in West Virginia, particularly with respect to its delivery of field services and customer care.” (Suddenlink Response, p. 2.) Staff contends that these performance challenges have not yet been resolved and continue to plague West Virginia subscribers as evidenced by the number of complaints received by the Commission in 2020 (1005) and 2021 to date (665) and the comments, both oral and written, that have been filed in this case. Over sixty West Virginians stood and spoke to the Commission at the public comment hearings in this case and over 160 online letters of protest have been

filed since July 1, 2021. Staff recognizes that Suddenlink has been challenged by the decline in customer count as more subscribers elect to stream services rather than use its cable service. However, the loss of cable subscribers does not justify the poor quality of service that West Virginia subscribers are receiving and have been receiving for the past three years.

Staff contends that service quality issues will not be completely resolved even if all its recommendations are accepted by the Commission until and unless Suddenlink takes active steps to provide a call center to serve West Virginia customers with customer service representatives who speak English as a first language and replace its contractors with Suddenlink service technicians adequately trained to service cable networks and equipment.

PROCEDURAL HISTORY

On July 1, 2021, the Commission initiated this Show Cause-General Investigation into the quality of Suddenlink's cable television service. The Commission stated that it had received over 1900 complaints since 2019 regarding billing issues, delays in restoring service, inability to place orders for service or contact personnel regarding the status of requests, etc. After meeting with Suddenlink in May, 2020, the Commission requested a corrective plan from Suddenlink to address the issues raised in the complaints.

Instead of submitting a corrective plan, Suddenlink responded that it has (1) invested in West Virginia to offer advanced products over upgraded networks and to address service concerns; (2) improved service, and its practices comply with applicable standards; (3) resolved customer complaints.

In its procedural order(s), the Commission required Suddenlink to provide detailed information regarding its operations, including plans to improve cable television service in West Virginia. The Commission also established public hearing dates in Charleston, West Virginia.

On July 16, 2021, the Commission set a public hearing in the case in Beckley, West Virginia for August 23, 2021.

On July 21, 2021, the Cities of Beckley, Charleston and Elkins filed a petition to intervene.

On July 21, 2021, Staff filed a motion to reduce the time period for filing responses to data requests to ten (10) days with objections due in five (5) days.

On July 22, 2021, Staff filed its first set of Data Requests for Suddenlink.

On July 23, 2021, Suddenlink objected to Staff's motion to reduce the time to respond to data requests and asked the Commission to amend the procedural schedule to allow more time for it to respond to the Commission's July 1, 2021 order and the Staff data requests.

On July 26, 2021, the Consumer Advocate Division (CAD) filed a petition to intervene.

On July 27, 2021, the Kanawha County Commission filed a petition to intervene.

On July 30, 2021, the Commission entered a procedural order that granted intervention to the Cities of Beckley, Charleston and Elkins, the CAD and the Kanawha County Commission. It also amended the procedural schedule to allow Suddenlink to file its Response to the Commission and to the Staff data requests on August 31, 2021. Staff's Reply to Suddenlink's Response is to be filed on September 21, 2021, and an evidentiary hearing will be held on October 6, 2021.

On August 5, 2021, Staff filed its Initial Joint Memorandum.

On August 17, 2021, the Commission entered a procedural order scheduling a public hearing in Princeton, West Virginia on September 14, 2021.

On August 31, 2021, Suddenlink filed its Response to the Commission's July 1, 2021 order.

On September 1, 2021, Suddenlink filed a correction to its Response to the Commission's July 1, 2021 order.

On September 7 and 13, 2021, Suddenlink filed a Motion for Protective Treatment for information contained in its Response to the Commission's July 1, 2021 order and in its Responses to data requests submitted by the parties.

On September 15, 2021, Staff filed its Response to Suddenlink's Motion for Protective Treatment.

Utilities Division Final Memoranda

- *Terri U. Blake*

On September 21, 2021, Terri U. Blake, Telecom and Cable TV Supervisor with the Utilities Division, submitted her Final Memorandum. Ms. Blake summarized the pleadings to date and provided a summary of several issues raised in the pleadings.

1. Notice of outages. Suddenlink stated in its Response that it gave notice of outages to the Commission by either verbally notifying the Telecom and Cable TV Supervisor or sending an email detailing the outage event. Ms. Blake stated in her memorandum that she has been the Telecom and Cable TV Supervisor since October 22, 2018 and has yet to receive an email or telephone call from Suddenlink advising of an outage lasting over 24 hours. She recommended that a trackable process be implemented for Suddenlink to submit notices for cable service outages lasting over 24 hours.

2. Suddenlink's policy of requiring a second phone call to receive a \$20 credit for outages lasting over 24 hours is a deterrent to customers due to issues with Suddenlink's call center (long wait times to speak to a customer service representative and difficulty in communication with representatives who do not speak English as a first language.) In addition, some customer sales representatives will not issue a trouble ticket if Suddenlink is already aware of the outage, making it difficult to prove the outage affected the customer. She recommended that all customer trouble tickets be taken to create a record and for purposes of applying for out of service credit. In addition, Suddenlink should be required to provide an out of service credit to each customer affected by an outage if Suddenlink is able to identify them.

3. Suddenlink claimed that its average number of monthly jobs per service technician (employees and contractors) in 2021 is at 2017 levels. Ms. Blake noted that in 2017 the Commission received 193 complaints against Suddenlink; in 2021 to date, the Commission has received 665 complaints. A number of complaints received by the Commission note that customers are having to wait 2-3 weeks for a service appointment.

4. Ms. Blake noted that a number of complainants had difficulty in speaking with a supervisor after the customer care representative was unable to address their concerns. She mentioned that an escalation policy was to be established by Suddenlink as ordered in Case No. 20-0766-CTV-C, Mark Gorman and Janet Price v. Cebridge Acquisition dba Suddenlink Communications, Recommended Decision entered June 10, 2020, final June 30, 2020. This escalation policy should be effective for all West Virginia subscribers once accepted and approved by the Commission.

5. Suddenlink provides a "call-back" system to allow customers to avoid long wait times using the call center. Ms. Blake noted that a number of subscribers claimed that they never received a call back from Suddenlink as promised. Staff recommends that if a

“call-back” policy is adopted, that Suddenlink ensure that it is working properly. Staff further recommends that call centers be adequately staffed with representatives that can answer and respond customer calls without having the customers sit in queue for the extended periods of time reported by a number of complainants.

6. Suddenlink has areas in West Virginia that do not have access to basic tier 1 service (local channels and public television). Suddenlink should modify its system as necessary to provide all subscribers the option of basic tier 1 (local channels and public television) to serve low-income families.

7. Suddenlink’s failure to timely process checks sent by U.S. Mail resulted in a number of subscribers receiving late fees and some subscribers’ service being terminated. The Commission should require Suddenlink to process its mail in a timely manner to ensure payments are promptly credited to accounts.

8. Suddenlink has eight business offices for subscribers located in 31 counties, resulting in a large number of customers being forced to drive long distances to return or obtain equipment, pay bills, etc. The Commission should encourage franchise authorities to require Suddenlink to establish a business office in their service areas. The Commission should require Suddenlink to authorize its business office employees to make service technician appointments, resolve customer issues, make refunds or give credits, accept payment for bills, etc. rather than just dealing with equipment returns.

9. Suddenlink provided little information on its maintenance of its outside and inside plant. The Company had tens of thousands of outages for the time period in question – most dealing with equipment or plant issues. Staff recommends that Suddenlink be required to file updates to cable upgrades as well as routine maintenance reports.

10. Suddenlink utilizes a number contractors for service repairs and installations. Staff contends that using actual employees may reduce the number of complaints filed against Suddenlink. Suddenlink should be required to use its employees rather than contractors to complete service and installation work.

11. Customers complain that Suddenlink changes rates without warning, provides better rates and plans to new customers than existing customers; increases rates after advising that rates would decrease, etc. Suddenlink should be required to explain to the Commission why rates for West Virginia customers appear to randomly change with little to no explanation.

12. Customers are being charged a sports programming fee, a network enhancement fee, a broadcasting station programming surcharge, etc. Suddenlink has provided little

explanation of these additional charges and fees. Suddenlink should provide sufficient information and documentation that addresses these concerns and shows that the fees are merely pass-throughs.

- *C. Todd Midkiff*

On September 21, 2021, C. Todd Midkiff, Engineering Technician-Telecom and Cable TV, with the Utilities Division, submitted his Final Memorandum. Mr. Midkiff summarized the pleadings to date and then provided a summary of several issues raised in the pleadings.

1. Mr. Midkiff summarized Suddenlink's response regarding its call center and other customer support resources. Mr. Midkiff noted that the number of complaints received by the Commission corresponded to the reduction of calls handled by the West Virginia call center. As of 2021 year to date, only 2% of West Virginia subscribers reached a person in a U.S. call center (Tyler, Texas); the remaining 98% of the calls were handled internationally. Mr. Midkiff noted that the Commission is charged with the responsibility of establishing standards to ensure the "...prompt handling of inquiries, complaints and requests for repairs..." (W.Va. Code §24D-1-5(4)(v)). Based on the information, complaints and comments filed in this case, Suddenlink has not met those standards with its current customer service. Mr. Midkiff recommended that the Commission require Suddenlink to open a call center in West Virginia.

2. Mr. Midkiff also analyzed some of the reasons claimed by Suddenlink for the increase in customer complaints, including adverse weather events and the COVID-19 pandemic. However, Mr. Midkiff noted that West Virginia's large utilities were able to provide good customer service during this same time period as evidenced by the low number of customer complaints filed against each company. Suddenlink's complaint rate was vastly higher per customer count than either Appalachian Power or Mountaineer Gas Company.

3. Of great concern is the billing service provided by Suddenlink for E911 fees. Mr. Midkiff noted that Wayne County Commission challenged Suddenlink's remittance of E911 fees claiming that it was using the improper rate and number of lines to determine the amount of the fees. (Case No. 20-0752-T-C, Wayne County Commission v. Cebridge Telecom of WV dba Suddenlink Communications, Recommended Decision entered June 23, 2021, final on July 13, 2021.) Mr. Midkiff recommended that Suddenlink be required to conduct an audit of each West Virginia county and its E911 collections and remittances for the time period 2018-2020 and file the results with the Commission. Any under-remittance of E911 fees should be immediately paid over to the appropriate county commission.

4. Mr. Midkiff also noted that the Network Operations Center can identify each subscriber affected by an outage through a “Parent-Child” ticket format. This format should be used to ensure that all subscribers affected by an outage receive a refund or credit without the necessity of calling in twice to request it.

5. Mr. Midkiff stated that Suddenlink provided copies of contracts with six (6) different contractors. He reviewed the West Virginia Secretary of State Business Entity Search and the West Virginia Offices of the Insurance Commissioner to verify whether each contractor was duly licensed and registered to do business in West Virginia. TAK Communications was the only Suddenlink contractor that had a workers compensation policy on file with the Offices of the Insurance Commission. Three contractors were registered with the Secretary of State as foreign corporations: INTEC Communications LLC, Prince Telecom LLC and TAK Communications Inc. Suddenlink should ensure that its contractors are duly licensed and registered with the state of West Virginia and meet the required workers compensation and unemployment compensation requirements.

6. Mr. Midkiff reviewed the information provided by Suddenlink regarding training of employee-service technicians and contractor-service technicians. Apparently, Suddenlink does not monitor the performance of its contractors, only its employees and relies on the contractor to adequately train and supervise its employees. Staff recommends Suddenlink reduce the number of contractor-employees by replacing them with actual employee-service technicians. Staff further recommends that if contractors are used that they receive the same training as Suddenlink employees and be evaluated in a manner similar to employees.

- ***Margaret Robinson***

On September 21, 2021, Margaret Robinson, Utilities Analyst with the Utilities Division, submitted her Final Memorandum. Ms. Robinson summarized the pleadings to date and then provided a summary of several issues raised in the pleadings.

1. Ms. Robinson stated that she reviewed the franchise agreements submitted by Suddenlink in response to the Commission’s July 1, 2021 order and the Staff Data Requests. She noted that 28 of the 114 were expired with 4 additional franchise agreements to expire in 2021. She further noted that the agreements followed a similar format but did not contain the required components found in the Commission’s Rules for the Government and Regulation of Cable Television (150 CSR 26), Cable Television Rules pertaining to subscriber protections. Comments filed by the City of South Charleston reiterate that Suddenlink is reluctant to sign a franchise agreement that includes the terms and conditions contained in Form 2 of the Cable Television Rules. *See*

Comments of City of South Charleston filed in this case on July 16, 2021. Ms. Robinson recommended that the Commission require Suddenlink to follow the Cable Television Rules regarding franchise agreements, including the application process for granting or renewing a cable franchise. She further recommended that the Commission adopt a formal process to docket, review and approve franchise agreements and their renewals.

2. Ms. Robinson also raised the issue of whether Suddenlink is applying the correct late fee. The Cable Television Rules require a late fee of no more than \$2 be charged to West Virginia customers who pay their bill late.

- ***Karen Macon***

On September 21, 2021, Karen Macon, Director of the Utilities Division, submitted her Final Memorandum. Ms. Macon summarized the Altice's cable operation history in West Virginia and noted that none of the changes made by Altice were made to improve customer service but were primarily directed at cost reduction. Poor customer service is the largest contributing factor to the loss of cable subscribers in West Virginia. Ms. Macon also stated that if the Company focused on customer service and corrected its past errors, that faith and respect in the Company would be restored. However, she recommended that the maximum penalty allowed by law be imposed on Suddenlink for its poor quality of service and its slow recognition of its problems here within the state.

Legal Division Final Memorandum

Legal Staff reviewed the pleadings filed to date, including all comment letters, the transcripts of the public hearings that have been filed in the record, and Staff's final memoranda.

Commission Jurisdiction over Suddenlink

The Legislature granted the Commission limited jurisdiction and authority over the provision of cable television services in Chapter 24D of the West Virginia Code. The legislative findings setting forth the public interest in regulating cable television services state that the Commission has authority:

- To establish uniform standards within the State of West Virginia for the issuance, renewal and transfer of cable television franchises;
- To establish uniform standards for the provision of cable service;

- To establish uniform provisions for the investigation and resolution of complaints concerning cable service; and
- To establish just, reasonable and nondiscriminatory rates and charges for the provision of cable service to the extent that the service is not subject to effective competition.

W.Va. Code §24D-1-1. In furtherance of its duties under Chapter 24D, the Commission promulgated its Rules and Regulations for the Government of Cable Television, 150 CSR §26, et seq. (Cable TV Rules), establishing franchise agreement requirements, technical standards and customer service standards. Chapter 24D give the Commission jurisdiction and authority to require Suddenlink to provide quality cable television service at just and reasonable rates.

Similar Actions against Suddenlink

The New Jersey Bureau of Public Utilities (BPU) initiated an action similar to this case against Suddenlink on February 17, 2021, I/M/O Requests for an Investigation into the Operations of Altice USA in New Jersey – BPU Docket No. CX21020139 (BOARD OF PUBLIC UTILITIES (state.nj.us)). Altice USA provides cable service to approximately 800,000 customers in New Jersey in 199 municipalities in 13 counties. Complaints were received by the NJ-BPU alleging inadequacy and lack of service provided by Altice. The complaints include frequent and lengthy service disruptions, inconsistent connections, fluctuating internet speeds, long telephone wait times, poor customer service and an inability to get a satisfactory response to these issues from the company both before and after the COVID-19 pandemic. A public hearing held on March 16, 2021 was attended by over 300 participants with approximately 60 speakers expressing their view of Altice USA's service. Comments were made concerning lack of competition, untrained customer service staff, long hold times, persistent outages, service plan coverage, inadequate repairs, etc. In addition, over 300 written comments were filed in the case raising the same issues. The case is in the discovery stage.

Customers in West Virginia and New Jersey are having the same issues with Suddenlink. These issues were occurring before the COVID-19 pandemic and continue still.

Another legal action pending against Suddenlink is a class action suit filed in the U.S. District Court, Northern District, alleging that the \$1.00 charge for a paper bill is an illegal collection fee. Ed Frashuer v. Altice USA, Inc., Civil Action No. 2:21-CV-17 (Kleeh). Plaintiff claimed that not every cable subscriber has access to the internet or the knowledge of how to access a bill on line. The case is pending a determination of

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whether the Plaintiff is required to submit his claim to arbitration as required by the Suddenlink Residential Service Agreement which is available on-line but is not physically provided to customers at the time service is initiated.

Staff Recommendations

Legal Staff adopts the Staff Recommendations as set forth on page 1 of this Final Memorandum.

WB NSB

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PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
UTILITIES DIVISION FINAL RECOMMENDATION

FROM: Terri Blake, Supervisor-Telecom and Cable TV,
Utilities Division

DATE: September 21, 2021

SUBJECT: **CASE NO. 21-0515-CTV-SC-GI**
CEBRIDGE ACQUISITION, LLC, DBA SUDDENLINK
COMMUNICATIONS, CEQUEL III COMMUNICATIONS I LLC,
DBA SUDDENLINK COMMUNICATIONS AND CEQUEL III
COMMUNICATIONS II LLC, DBA SUDDENLINK
COMMUNICATIONS

On July 1, 2021, the Commission initiated this Show Cause-General Investigation into the quality of Suddenlink's cable television service. The Commission stated that it had received over 1900 complaints since 2019 regarding billing issues, delays in restoring service, inability to place orders for service or contact personnel regarding the status of requests, etc. After meeting with Suddenlink in May, 2020, the Commission requested a corrective plan from Suddenlink to address the issues raised in the complaints.

Instead of submitting a corrective plan, Suddenlink responded that it has (1) invested in West Virginia to offer advanced products over upgraded networks and to address service concerns; (2) improved service, and its practices comply with applicable standards; (3) resolved customer complaints.

In its procedural order(s), the Commission required Suddenlink to provide detailed information regarding its operations, including plans to improve cable television service in West Virginia. The Commission also established public hearing dates in Charleston, West Virginia.

Staff reviewed the responses provided by Suddenlink to the Commission's order and Staff's First Set of Data Requests. Several issues addressed in these responses are the same issues that appear in numerous customer complaints made to the Commission against Suddenlink.

Suddenlink stated in its Response that it gave notice to the Commission of outages over 24 hours in duration by either email correspondence or telephone call the Telecommunications and Cable TV Supervisor. I have been the Telecommunications

and Cable TV Supervisor at the Commission since October 22, 2018, and have never received an email or telephone call to inform me of a cable service outage lasting over 24 hours. Staff would recommend that a trackable process be implemented for Suddenlink to file information about cable service outages lasting over 24 hours.

Suddenlink claims that a \$20 credit is automatically given for any outage over 24 hours in duration. Suddenlink requires a customer to call back in and request credit after the trouble ticket is cleared and the service is restored. The requirement to make a second call to request out of service credit is a big deterrent for many customers; as wait times and communication with Suddenlink representatives is frustrating. Further, the customers represent that actually receiving an out of service credit is virtually impossible. If Suddenlink is aware of an outage in an area and a customer in that area calls in to make a trouble report, the call representative will inform the customer Suddenlink is aware of the outage and the rep will not take a trouble ticket. If no trouble ticket is entered for the customer, there is no record the customer was out of service, therefore, no out of service credit will be given. This issue has been discussed many times by Staff with Erin Jones from Suddenlink. Staff recommends that all customer trouble tickets be taken in order to have a record and for the purpose of applying for out of service credit. In addition, in those situations where Suddenlink is able to identify each customer affected by an outage, Suddenlink should be required to provide an automatic credit.

In Suddenlink's response to Request 1.11, the company stated, "the average combined employee/contractor service technician headcount in West Virginia is 166 for 2021 (through July). The average number of monthly jobs per service technician is 85. This is comparable to 2017 levels and a significant improvement compared to 2019 and 2020." In 2017, the Commission received 193 complaints against Suddenlink. In 2019 that number rose to 585 and in 2020 that number continued to rise to a whopping 1005. Complaints received in 2021 are in line to probably exceed even the 2020 count. Staff has difficulty understanding how the number of jobs per tech can show a significant improvement when complaints have increased by 400% since 2017.

Many customers have expressed in their complaints that they reach a roadblock trying to resolve issues by the inability to speak to a supervisor when working with a Suddenlink call center representative. Upon asking to speak to a supervisor, the customers are sometimes told a supervisor is not available or the representative is not allowed to let them speak to a supervisor. Other times customers are promised a supervisor callback that never happens. This problem was recognized in Case No. 20-0766-CTV-C, Mark Gorman and Janet Price v. Cebridge Acquisition dba Suddenlink Communications, Recommended Decision entered June 10, 2020, final on June 30, 2020. The Recommended Decision ordered Suddenlink to develop an escalation process to handle Complainants' future service issues. Suddenlink was ordered to provide details of the escalation process in a monthly report. As stated in the Discussion of that order, this process for potential future service issues, was not only for the Complainants of this case,

but also for other Suddenlink customers, who require an escalation process within Suddenlink for outages and supervisor requests. This process is due to be filed with the Commission on September 28, 2021. Staff recommends once this process is accepted by the Commission, that the Commission will require its use for all Suddenlink subscribers located in West Virginia.

Suddenlink claims to offer an option to customers calling in to the call centers during heavy times to leave their name and number for a callback without losing their place in queue. When customers come to the Commission with complaints of being unable to reach anyone at Suddenlink, multiple people have indicated this option results in never receiving a call back. It appears to be a tactic used to get customers to drop their issue. Staff recommends that if this option is offered by Suddenlink's automated call system, that Suddenlink be required to ensure its reliability. Adequate customer service will never occur if customers are not able to rely on the provider doing what it promised to do. A more desirable resolution is to have the call centers staffed at locations that can answer customer calls without having them sit in queue for the extended times reported by our numerous complainants.

Suddenlink's Response to the Commission indicated that certain areas of West Virginia are served with a Basic Local Broadcasting Option for \$34.99 or \$35.99 plus the \$15.00 Broadcast Station Programming Surcharge. Expanded Cable is available for an additional \$50.00 plus the \$6.65 Sports Programming Surcharge. However, Suddenlink has areas that do not have the option of Basic Local Cable; in those areas the lowest package offered requires a customer to pay also for Expanded Cable. This requires customers with the lowest cable package to pay \$106.64 (now \$110.00 with the new Standard Video pricing that went into effect September 13, 2021) before any taxes and fees. That price does not include any equipment; it just covers the coaxial cable coming to customers' television(s). Staff recommends that the Commission require Suddenlink to provide all customers with the option of Basic Local only programming in order to provide a reasonably priced cable service to low-income families.

Billing issues have and continue to be a large part of the complaints filed with the Commission against Suddenlink. Many customers paying by U.S. mail are charged a late fee or are even disconnected because Suddenlink claims that the payment was not received. This has happened to our own Staff on three different occasions. Suddenlink's response was that there was a U.S. postal delay at the end of 2020 that caused problems, and those issues should be resolved. However, issues are still being reported.

In Case No. 21-0629-CTV-C, Norman Rose v. Cebridge Acquisition dba Suddenlink Communications, the Complainant reported to Staff that he went to his local post office and inquired why Suddenlink always claims to receive his payment late when he mails it several days before the due date. The Complainant reported that the local postal worker contacted the post office where the Suddenlink bills are mailed and was

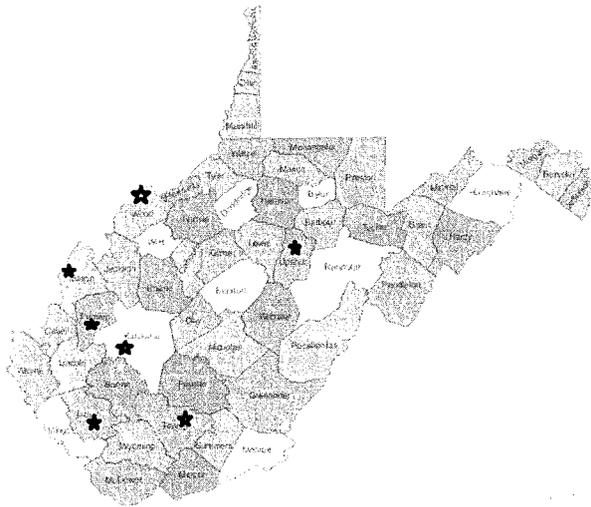
told that the lock box for Suddenlink was not emptied on a regular basis. How can Suddenlink charge customers late payments, reconnect fees, etc. when they are not collecting payments from the post office at least on a daily basis? Staff recommends that the Commission enter an order holding Suddenlink accountable for proper and timely receipt of customer payments.

Staff contends that service would improve and complaints would decrease if West Virginia had its own call center or if more franchise authorities required business offices to be located in their service area with employees empowered to make refunds or credits, schedule service calls, etc. Suddenlink listed 38 work locations in West Virginia including Headends and Hubs, but only seven business offices that provide some sort of customer service.

The business office locations are as follows:

Location	Suddenlink Employees	Contractors
Beckley –Retail 124 Beckley Crossing	5	0
Buckhannon- 68 Fifth Street	9	6
Charleston Kanawha Mall	3	0
Logan 405 George Kostas Drive	13	4
Parkersburg -1737 East Seventh Street (Includes Field operations, engineering & technology; the contractors are field operations only)	29	16
Point Pleasant – 1307 Viand Street	3	4
Scott Depot Retail-168 Great Teays Road	7	0
Total	69	14(excludes contractors at Parkersburg)

The locations of each business office is shown on the map below.



Staff also notes that Suddenlink operates in 31 of the 55 counties in West Virginia under different names.

Cequel III Communications LLC

Barbour
Harrison
Jackson
Kanawha
Lewis

Marion
Mason
Randolph
Taylor
Upshur

Cebridge Acquisition LLC

Boone
Cabell
Clay
Fayette
Greenbrier
Jackson
Kanawha
Lincoln
Logan
Mason
Mercer
Monroe
Nicholas
Pleasants
Putnam
Raleigh
Roane

Summers
Tyler
Wayne
Wetzel
Wirt
Wood

Based on the number of counties served by Suddenlink, seven business offices result in some customers having to drive long distances to obtain service or return equipment. W.Va. Code §24D-1-17 requires a business office in or near its area of operation.

Each cable operator shall operate a business office in or near its area of operation approved by the franchise authority or the commission that shall be open during normal business hours, and each cable operator shall operate sufficient telephone lines, including a toll-free number or any other free calling option, as approved by the commission, staffed by a company customer service representative during normal business hours.

Each franchising authority has the authority to require Suddenlink to locate a business office in its service area to provide customer service for its constituents. The Franchise Agreement for the City of Buckhannon contains a requirement that a business office be located within the city limits.

The Commission should enter an order requiring Suddenlink to authorize its representatives assigned to local business offices to make refunds or credits and schedule service calls in addition to accepting returned equipment and providing new equipment to customers. The Commission should further encourage franchise authorities to include in future franchise agreements a requirement that a business office be established in its service area.

For a reliable and successful network system, certain maintenance issues must be addressed on a routine schedule. Suddenlink has provided little information about its routine maintenance program or the processes it utilizes to manage it. Suddenlink provided two separate listings of outages from January 1, 2019 to the present, identified as Suddenlink WVPSC002399 and WVPSC002400. The first file details all service interruptions and outages for the Network Operating Center (NOC) that may have affected cable television service in West Virginia. According to Suddenlink's tally sheet, it had tens of thousands of outages for time period in question, with a short duration. The second file (WVPSC002400) filters out all tickets involving outages that were less than 24 hours in duration, utility third party facility restoration, severe weather, and NTF, resulting in 151^[1] tickets wherein the outage may have affected television service.

Suddenlink has shared much information about investments for growth projects and equipment updates. The updates and growth projects are not in all service areas; customers in the rest of the service areas need to be assured that Suddenlink is doing their part to provide reliable cable service. The number of outages experienced by Suddenlink customers in West Virginia is unacceptable. Staff recommends that Suddenlink be required to file updates to cable upgrades as well as routine maintenance reports to show all areas of the network are receiving required attention.

^[1] In identifying these files, Suddenlink apparently reversed them since WVPSC002399 details all outages from the NOC and WVPSC002400 is a filtered version listing a total of 151 outages.

From information gathered from Staff, other cable companies operating in West Virginia utilize contractors in their forces. These companies limit contractor-customer contacts to high volume workloads such as storm recovery. It is safe to say that no other cable company in WV utilizes as many contractors for direct customer visits as Suddenlink. Suddenlink field contractors seem to have a frequent turnover rate and cause high customer dissatisfaction. Staff contends that service would improve and complaints would decrease in West Virginia if Suddenlink moved from a field force of numerous contractors and subcontractors to a stable, trained workforce of Suddenlink employees.

A number of comments filed with the Commission concerned Suddenlink's seemingly random increase in fees and charges which change monthly on subscriber billing. No prior notice of an increase in rates or charges is given to subscribers and no satisfactory explanation is provided when questioned. Some questioned why they were paying rates different from others for the same service. Suddenlink should be required to explain to the Commission why rates for West Virginia subscribers appear to randomly change with little to no explanation.

A number of comments filed with the Commission concerned extra charges on their bill for which Suddenlink provided no explanation. Those include the broadcasting station programming surcharge, network enhancement fee, sports programming fee, etc. The Commission should require Suddenlink to provide an accounting of each of these surcharges and fees for the time period 2019-2021 to date to ensure that West Virginia subscribers are merely paying the pass-through amount.

A number of comments filed with the Commission concerned Suddenlink's failure to provide prompt appointments for service calls – with some appointments scheduled days or weeks after the initial call to the customer care center. Scheduling appointments weeks in advance allows Suddenlink more control over its scheduling but results in West Virginia subscribers unable to use the services for which they are paying.

Staff did participate in a Teams meeting with some Suddenlink Vice Presidents and Directors on September 16, 2021. Questions and answers were exchanged and many of the “right” answers were heard, especially from Pragash Pillai, Executive VP of Operations and Bob Lillie, Regional VP, Local Market Engagement for Altice in WV. However, from Staff's experience with customers and customer complaints, the processes and policies described by the Suddenlink representatives are not indicative of the real life experiences of a Suddenlink customer. Suddenlink's West Virginia customers need relief from the issues they have been contending with over the past few years. Staff recommends that the Commission require Suddenlink to develop a plan with a firm timeline that addresses the issues raised by Staff in its memoranda and as may be presented at the evidentiary hearing scheduled for October 6, 2021.

**PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
UTILITIES DIVISION FINAL MEMORANDUM**

**FROM: C. Todd Midkiff, Engineering Technician-Telecom and Cable TV,
Utilities Division**

DATE: September 21, 2021

**SUBJECT: CASE NO. 21-0515-CTV-SC-GI
CEBRIDGE ACQUISITION, LLC, DBA SUDDENLINK
COMMUNICATIONS, CEQUEL III COMMUNICATIONS I LLC,
DBA SUDDENLINK COMMUNICATIONS AND CEQUEL III
COMMUNICATIONS II LLC, DBA SUDDENLINK
COMMUNICATIONS**

On July 1, 2021, the Public Service Commission of West Virginia (“Commission”) initiated a Show Cause-General Investigation into the quality of Suddenlink’s cable television service. The Commission expressed concern with the number of complaints regarding delays in restoring service, billing issues, and lack of customer service. The Commission required Suddenlink to show cause as to why Suddenlink should not be required to take specific remedial steps and why the Commission should not impose penalties authorized by state law. The Commission set a procedural schedule, including public comment hearings in Charleston, WV and an evidentiary hearing in the order.

The Commission’s Order required Suddenlink provide information pertaining to customer service representatives’ locations, hours, and the number of personnel available to receive calls from Suddenlink subscribers. Suddenlink stated in its response that a combination of in-house and external resources provide call center and live chat support to West Virginia Suddenlink customers. Suddenlink attests it maintains 15 Customer Escalated Complaint Review (CECR) representatives in Jericho, NY, and 52 contracted agents based in Cairo, Egypt. Suddenlink stated in their response to viii (page 24) the CECR centers are responsible for handling all complaints received from outside agencies (e.g. PSC, Attorney General) and complaints directed to Altice executives. Suddenlink stated an additional internal call center consisting of 82 employees operated through a subsidiary, Intelcia, is located in Tyler, Texas. Suddenlink further stated that Intelcia contracts and manages 8 additional call centers located in Egypt, Jamaica, Dominican Republic, South Africa, and Columbia with the ability to provide up to 4,767 external agents. Suddenlink stated it has a contract with “Live Person” to provide online live agent chat support based in Colombia and Dominican Republic.

Suddenlink’s West Virginia Call Center in Parkersburg was closed in 2017; at that time, Suddenlink call centers began to move out of the United States. Since 2017, complaints have dramatically increased from 193 in 2017 to 1005 in 2020. Staff sought information with regards to the specific type of training Suddenlink call center employees receive. See Suddenlink Response to Data Request 1:30. Suddenlink attested candidates receive 3 weeks of both classroom environment and self-paced eLearning for both billing and technical support topics. Suddenlink continued by stating it provided a “nesting” period for representatives that include receiving live customer inquiries while receiving oversight, support and coaching from supervisors.

As stated earlier, Suddenlink operated a customer care center in Parkersburg, WV, that was closed in 2017 as part of a general customer care restructuring plan. Since 2019 no calls to Suddenlink were answered in West Virginia and there was a dramatic decrease in the proportion of customer service calls answered in the United States. United States answered calls was 36% in 2019, 5% in 2020 and 2% in 2021.

The data shows a direct correlation between calls answered internationally to the number of complaints filed with the Commission.

Calls Handled Internationally/Complaints Filed with Commission:

Location	2019	2020	2021
WV	0	0	0
US	36	5	2
International	64	95	98
#Complaints Filed with PSC	585	1005	665*

*through 8/26/21

Assuming that all calls from West Virginia subscribers were handled by the West Virginia call center prior to its closure, the data documents that complaints increased as the calls were shifted overseas.

Year	Total Complaints Filed with PSC
2015	130
2016	118
2017	193 – Closing of WV call center
2018	316 – Shifting to overseas call center

2019	585
2020	1005
2021	665

** Through August 26, 2021

W.Va. Code §24D-1-5(4)(v) requires the Commission to

[p]rescribe standards for the construction and operation of cable systems which standards shall be designed to promote...(v) the prompt handling of inquiries, complaints and requests for repairs...

Staff contends that Suddenlink’s call center operations fails to promptly handle “inquiries, complaints and requests for repairs” Complaints filed with the Commission, comments made in the public hearings and written comments filed with the Commission in this case document numerous occasions where West Virginia subscribers are waiting hours, not minutes, to talk to a call center representative. Upon speaking with a call center representative, the subscriber is given a service technician appointment that may be days or, in some cases, weeks after the call is made to the call center. West Virginia subscribers are unable to speak with a supervisor if the call center representative is unable or unwilling to provide the assistance requested.

Based on the data set forth herein, including the comments received by the Commission in this case, Staff recommends that the Commission require Suddenlink to open a call center in West Virginia to address service issue of Suddenlink’s West Virginia subscribers.

Suddenlink defends its poor service in 2020 to weather events and COVID-19. West Virginia’s utility operations continued to provide service to their customers during the COVID-19 lockdown with very little protest or complaints filed to the Commission.

Utility	2020 Formal	2020 Informal	2021 Formal	2021 Informal	Customer Count	# of WV Counties
AEP	42	670	20	747 ¹	467,295	24
Mountaineer Gas	2	133	4	156 ²	215,000	50
Suddenlink	18	987	11	654	126,008	31

¹ Service termination for non-payment accounted for 260 of the 2020 informal complaints and 315 of the 2021 informal complaints.

² Service termination for non-payment accounted for 53 of the 2020 informal complaints and 73 of the 2021 informal complaints.

These utilities are much larger than Suddenlink and serve more customers, yet their customer complaints during the same time period are proportionately much lower than Suddenlink's customer Complaints.

Suddenlink claimed that weather also caused a number of outages leading to complaints being filed. AEP filed with the Commission 3 Major Event Reports (outages) in 2020 and 3 Major Event Reports (outages) in 2021, to date. The National Weather Service reported 5 weather events in 2020 and 3 weather events to state in 2021. (Weather Event Summaries):

2020

- December 24-25: Winter storms brings first white Christmas in several years for many locations.
- December 1-2: Summary of the first widespread snow of the 2020/2021 Winter Season.
- July 30: Thunderstorms dropped torrential rainfall in many areas during the afternoon and evening of July 30th. Multiple stations reported over 2 inches of rainfall over 24 hours with some stations recording up to 5 inches of rain.
- April 9: EF1 Tornado Touches Down Briefly in Vinton County, OH.

2021

- February 26-March 1: Rainfall Totals and River Flood Summary for Late February/Early March Flood Event
- February: Snow/Ice Maps and Impacts Summary from February 2021 Back to Back to Back Winter Storms

The evidence clearly shows that weather events and COVID-19 did not affect West Virginia's large utilities from providing quality service to their customers in 2020 and 2021 as evidenced by the small number of informal and formal complaints. In addition, a good number of the complaints filed against AEP dealt with termination of service for failing to pay the bill. Suddenlink's complaints deal with poor quality of service.

The Commission received numerous complaints of improper billing, collection, and remittance of E911 fees by Suddenlink by both 911 Centers and County Commissions. In Case No. 20-0752-T-C, Wayne County Commission v. Cebridge Telecom WV dba Suddenlink Communications, Recommended Decision entered June 23, 2021, final on July 13, 2021, the Administrative Law Judge ordered Suddenlink to review its line count records in Wayne County from August 2018 through September 2020 and prepare an accounting of correct E911 fees vs. the remitted amount. Suddenlink filed a copy of the audit and confirmation of payment to Wayne County Commission in the amount of \$108,682.00 for its underpayment. Staff is currently investigating additional complaints of improper billing of E911 charges.

Suddenlink representatives also disclosed in teleconferences with Staff that it obtained its E911 rates from third party sources rather than the county commissions. Staff is concerned that these third party sources are providing inaccurate information based on the Wayne County Commission case and other recent complaints and findings. Staff recommends that the Commission enter an order requiring Suddenlink to perform an audit of each West Virginia County and its E911 collections and remittances, including line count, for the time period 2018-2020 and file the results with the Commission. Any under collection of E-911 fees should be immediately rectified by Suddenlink.

Staff inquired via data requests to identify Suddenlink's Network Operations Center (NOC) location, staff and tasks. Suddenlink's response to Staff Data Request No. 1.44 stated the Company operates a NOC out of multiple locations including Bethpage NY, Tyler, TX, and Norwalk CT. The responsibilities of the NOC's include monitoring of alarms for network health, system outages, planned maintenance activities, technical assistance for VOIP, data and video services. Staff confirmed with Steven Kramer, Senior Vice President of Network Operations Center for Suddenlink, the NOC's are 24 hours per day, 7 days per week, 365 days per year and consist of approximately 175 employees. The description provided in Suddenlink's response and Senior VP's interview confirm the activities of a traditional NOC. Mr. Kramer stated that a trouble ticket is system-generated by an alarm, and that the system has the ability to add sub-tickets. This "Parent-Child" ticket format does provide the ability to add individual customer reported trouble tickets. Mr. Kramer stated the NOC can identify the subscribers affected based on the outage.

Staff recommends Suddenlink use this "Parent-Child" trouble ticket format to add customer-reported tickets to the NOC outage ticket. Staff further recommends that Suddenlink be required to identify each subscriber affected by an outage and automate the out-of-service credit process so that customers are not required to call in to request a refund.

Staff requested in Data Request No. 1.13 that Suddenlink provide the name and address of each contractor in use for equipment installation and address service issues in West Virginia. Suddenlink's response included the names and addresses of 6 contractors they currently have contracts within West Virginia. Staff reviewed the West Virginia Secretary of State Business Entity Search and the West Virginia Offices of the Insurance Commissioner Employer search to verify each contractor is licensed and retains Worker's Compensation coverage as required by West Virginia State Law. Per the West Virginia Offices of the Insurance Commissioner only TAK Communications Inc., is the only contractor that has a policy on record. Per the West Virginia Secretary of State only INTEC Communications LLC, Prince Telecom LLC, and TAK Communications Inc. are in good standing.

In Staff's Data Request No. 1.11, Staff inquired to the currently staffing levels of service technicians in West Virginia. Suddenlink employees a total of 43 field technicians, 32 outside plant/construction technicians in West Virginia. Suddenlink affirmed they

currently have 83 contractors as of August 19, 2021. Staff requested in Data Request No. 1.37 and No. 1.38 that Suddenlink list training provided to service technician for installation and service request. Suddenlink declared for in-house technicians, Suddenlink has a field organization training team for developing all curricula and certifying completion prior to a technician starts in the field. Suddenlink further declared that in-house technicians are monitored for performance and conduct random quality checks. Technicians are scored and low scoring technicians are subject to additional supervision and subject to employment plans and possible termination. Suddenlink stated contractors are required to complete virtual training courses offered by a third-party service provider and must be trained in accordance to industry standards. For items specific to Suddenlink, they use a “train the trainer” model where Suddenlink trains a contractor’s trainer who then is responsible for training their (contractor) technicians. Suddenlink stated contractors are responsible for monitoring their employees in a similar manner to Suddenlink’s in-house technicians but did not give specifics.

Suddenlink provided employee counts in response to Staff Data Request 1.11:

CURRENT FTE COUNTS

Location	Field	Outside Plant/Construction	Grand Total
Beckley	26	7	33
Buckhannon		4	4
Charleston		1	1
Logan	4	4	8
Parkersburg	4	4	8
Point Pleasant		1	1
Scott Depot	5	4	9
Shrewsbury	4	6	10
Wayne		1	1
Total	43	32	75

Suddenlink also provided its contractor count for the state:

CONTRACTOR COUNT

Location	Contractor Count as of 8/19/21
Parkersburg	38
Charleston West	23
Buckhannon	4
Shrewsbury	3
Kermit	3
Prestonsburg	3
Princeton	2
Charleston	2
Beckley	2
Grayson	1
Pikeville	1
Point Pleasant	1
Total	83

In reviewing the responses to Staff's First Set of Data Requests to Suddenlink, Suddenlink does not monitor the performance of its contractors, only its employees. Suddenlink does not train contractors, but only requires completion of virtual training classes and be trained in accordance to industry standards. Staff Recommends Suddenlink hire additional Suddenlink in-house technicians and train accordingly in order to meet the service requirements of customers and maintain plant health. Staff further recommends Suddenlink should ensure that if contractors are used, that they receive the same training as Suddenlink employees, be evaluated in a similar manner, are duly licensed and registered with the state of West Virginia and meet the required workers compensation and unemployment compensation requirements.

CTM:s

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
UTILITIES DIVISION FINAL RECOMMENDATION

FROM: Margaret Robinson, Utilities Analyst
Utilities Division

DATE: September 21, 2021

SUBJECT: CASE NO. 21-0515-CTV-SC-GI
CEBRIDGE ACQUISITION, LLC, DBA SUDDENLINK
COMMUNICATIONS, CEQUEL III COMMUNICATIONS I LLC,
DBA SUDDENLINK COMMUNICATIONS AND CEQUEL III
COMMUNICATIONS II LLC, DBA SUDDENLINK
COMMUNICATIONS

On July 1, 2021, the Public Service Commission of West Virginia (Commission) initiated this Show Cause-General Investigation into the quality of Cebriidge Acquisition, LLC, dba Suddenlink Communications, Cequel III Communications I LLC, dba Suddenlink Communications and Cequel III Communications II LLC, dba Suddenlink Communications (Suddenlink) cable television service. The Commission stated that it had received over 1900 complaints since 2019 regarding billing issues, delays in restoring service, inability to place orders for service or contact personnel regarding the status of requests, etc. After meeting with Suddenlink in May, 2020, the Commission requested a corrective plan from Suddenlink to address the issues raised in the complaints.

On June 7, 2021, Suddenlink responded to the requested corrective plan by stating:

- Altice has invested in West Virginia to offer advanced products over upgraded networks;
- Altice has improved service, and its practices comply with applicable standards;
- Altice has resolved customer complaints.

On August 31, 2021, Suddenlink filed a Formal Response to the July 1, 2021, Commission Order. Suddenlink provided copies of 114 active franchise agreements. Staff has reviewed the agreements and determined they follow a similar format, but do not contain the required components found in the Commission's Rules for the Government and Regulation of Cable Television, 150 CSR 26 (Cable Television Rules). There are currently a total of 28 expired franchise agreements, with an additional 4 agreements to expire by the end of 2021. Four franchise agreements have been expired since 2019 and eight expired in 2020.

The form Suddenlink is using for its franchise agreements noticeably excludes any provisions for its subscribers. This form does not include a number of the terms and conditions provided in Form No. 2 and Instructions - Cable Franchise Contract Guidelines

found in the Cable Television Rules. Customer protections found in Form No. 2 and not in the form Suddenlink utilizes are:

- Procedures for Restoring Interrupted Service and Improving Substandard Service;
- Credit or Refund for Interrupted Service;
- Office Operating Requirements: Office Hours;
- Notice to Subscribers Regarding Quality of Service and Billing; and
- Recording Subscriber Complaints.

On July 16, 2021, the City of South Charleston (City) filed a written comment in this case that stated the City's franchise agreement expired on October 14, 2020. The City did not accept the renewal agreement that was offered by Suddenlink on July 20, 2020. On January 19, 2021, the City sent Suddenlink a proposed Cable Television Franchise Agreement based on Form 2 and Commission requirements. To date Suddenlink has not agreed to the City's proposed agreement. The City also noted that Suddenlink has not paid the required \$250.00 franchise fee or submitted a written cable franchise application.

Staff finds that the franchise agreements provided by Suddenlink do not follow the standards as set forth by law or by guidelines as adopted by the Commission. These agreements benefit Suddenlink and the Franchising Authority with little or no regard to subscribers. Further, Staff finds that in the case of the City of South Charleston, Suddenlink seems unwilling to agree to the terms and conditions provided by the Commission. Form 2 contains all the requirements set forth in statute and protects the franchise authority, the cable operator and the subscribers. The Commission should order Suddenlink to follow the Cable Television Rules which includes the application process for granting or renewing of a cable franchise. Further, Staff recommends that the Commission adopt a formal process to docket, review and approve franchise agreements and franchise renewal agreements.

Upon review of Suddenlink's annual reports, Staff finds that in 2020 Suddenlink reported a charge of \$10.00 as a late fee with the exception of Kanawha County at \$30.00. In 2021, Suddenlink reported a charge of \$2.00 as a late fee with the exception of Kanawha County which was reported at \$25.00. Cable Television Rule 17.1 permits a late fee of \$2.00 on the unpaid balance for cable services after the scheduled due date. Staff recommends that Suddenlink be required to audit its 2020 and 2021 billing to assure that only \$2.00 was charged as a late fee and issue a credit to customers that were incorrectly charged.

MAR:s

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
UTILITIES DIVISION FINAL RECOMMENDATION

FROM: Karen M. Macon – Director of Utilities

DATE: September 21, 2021

SUBJECT: **CASE NO. 21-0515-CTV-SC-GI**
CEBRIDGE ACQUISITION, LLC, DBA SUDDENLINK
COMMUNICATIONS, CEQUEL III COMMUNICATIONS I LLC,
DBA SUDDENLINK COMMUNICATIONS AND CEQUEL III
COMMUNICATIONS II LLC, DBA SUDDENLINK
COMMUNICATIONS

Brief History:

Altice announced it was buying Suddenlink in 2015. Altice entered the US cable market with the Suddenlink acquisition valued at \$9.1 billion.

A decision was made to move technicians to the ATS structure at the end of 2016. Further, it was decided to terminate higher compensated personnel (often those with the needed experience) in order to cut costs. Altice has admitted that the ATS decision was a mistake. I would agree and further contend that this error has not been corrected. The Company is still suffering from the loss of talented and needed personnel. Due to the ATS decision making, Suddenlink was forced to hire contractors and sub-contractors in order to get the work done. Unfortunately, the Staffing levels were so low that proper training was not completed, hiring of reputable firms was not accomplished and the monitoring of their performance was inadequate.

The Suddenlink Parkersburg Call Center was closed in the summer of 2017. At the time, Suddenlink stated the reason for closing the Call Center was the company had made investments in technology, tools and resources that allow the company to enhance its service capabilities and to offer a more reliable service experience.

Finally, the outsourcing of call centers first in the United States, but then internationally created a gap in communication. Altice's majority owned subsidiary Intelcia, USA, LLC (Intelcia) contracts and manages various third-party vendors that operate eight additional call centers providing service to Suddenlink customers in West Virginia. These call centers are in Egypt (2), Jamaica (2), Dominican Republic (2), South Africa, and Columbia. In 2019, 36% of West Virginia calls were handled within the United States compared to just 2% in 2021.

Suddenlink CEO announced that Cable TV will die. Unfortunately, with this attitude the potential decline in prosperity is a self-fulfilling prophecy. Staff believes that the poor customer service is the largest contributing factor to the loss of cable customers in the State of West Virginia.

None of the above decisions place any focus on customer service.

Often with an acquisition the new owner starts the process by looking for places to reduce costs. Perhaps that was the starting point for Altice. The Company must also be certain as it makes any cost cutting decisions that customer service remains a central focus. The frustrating and alarming part of our investigation is the continuous realization that customer service was not factored into any decision making. Staff believes the company should be devastated to hear customers of forty plus years of service are thinking about doing something different for their cable service as they are just so frustrated with Suddenlink. Those types of sentiments were reflected at a number of the hearings held in the State in conjunction with this case and in the written comments filed in the case.

The comforting thing is that if the Company focused on customer service and correcting the errors made in much of its decision making previously and as outlined above it could correct the perception and reality that customers have been forgotten. Of course that decision will never be made if the CEO believes that cable service is dead. Unfortunately, as it stands now most, if not all customers have zero faith in Suddenlink's practices, words, billings, contractors, call centers and much, much, more.

One only needs to attend one of the hearings across the state where customers expressed their concerns to see and hear their level of frustration. It is imperative that the Company embrace all of Staff's recommendations in order to restore the faith and respect in Suddenlink/Altice.

In light of all this and Suddenlink's slow recognition of all of its problems, Staff recommends that the Commission impose on Suddenlink the maximum penalties allowed by law for failure to provide adequate quality of service to its West Virginia subscribers.