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**NEW YORK  
STATE  
SENATE**



**SENATOR ZELNOR Y. MYRIE  
20<sup>TH</sup> SENATE DISTRICT**

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Mr. Dexter Goei  
President, Altice N.V. and Chairman and CEO  
Altice USA, Inc.  
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Main Fax: (516) 803-1349

December 18, 2019

Dear Mr. Goei:

It has come to our attention that since February of 2019, Optimum has charged customers a recurring "network enhancement fee" of \$2.50 per month.<sup>1</sup> This fee, according to our constituents, applied to pre-existing contracts where customers had not agreed to the fee at the time of entering the contract. According to our constituents, when they contacted Optimum to remove the fee, they were told it could not be removed.

I am deeply concerned by Optimum's imposition of this fee. When your customers, many of whom I represent, entered service contracts, they did so under the impression that they would pay the advertised price for service. Adding an irremovable fee *after* the contract was entered is, essentially, a rate hike by another name. This is concerning not only within the truth-in-advertising context, but in basic principles of fairness.

Today, internet access is not a luxury; in fact, in many instances, it has become a necessity for the conducting of personal and professional business. Internet service, therefore, is considered by many to be a utility service. To impose an irremovable fee on such a service -- without explicit consent -- makes the imposition even more concerning. And while an additional \$2.50 per month expense might seem negligible to some, for many in my community, every dollar counts.

Almost a quarter of the people I represent are living below the poverty line, and a third of them pay more than half of their income on rent. In other words, ours is a community where all too many people are struggling to make ends meet. This is especially true during the holidays, when we are scraping together every dollar we can in hopes of affording gifts for our friends and families.

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<sup>1</sup> <https://twitter.com/optimumhelp/status/1100797975838769152?lang=en>

I would also note that just last week, the Attorney General in Washington state settled a lawsuit with an internet provider attempting to justify similar fees. That company, CenturyLink, was forced to pay \$6.1 million.<sup>2</sup> This "network enhancement fee" appears to be a similar hidden fee that customers with existing contracts should not have to pay.

Before us is a simple proposition: people who signed contracts for internet service with the understanding that they had a fixed monthly price should not have to pay more than that price. Imposing an irremovable fee is not only unfair, it is contrary to the spirit of New York's false advertising law.<sup>3</sup>

There is a simple remedy to this situation: cancel the fees and refund those who have been charged. Every customer who had an existing contract prior to the imposition of this fee, and who subsequently paid this fee, should be refunded and assured that they will not be asked to pay unexpected fees in the future. To place an unexpected and unjustified barrier between vulnerable people and an essential service is unacceptable, but refunding these fees would go a long way toward restoring the goodwill of your customers and helping them celebrate the holidays.

We appreciate your prompt attention to this matter and look forward to reaching a resolution.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zellnor Y. Myrie', with a stylized, flowing script.

Zellnor Y. Myrie

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<sup>2</sup> <https://www.seattlepi.com/local/politics/article/CenturyLink-will-pay-6-1-million-in-AG-s-hidden-14896329.php>

<sup>3</sup> [https://law.onecle.com/new-york/general-business/GBS0350-A\\_350-A.html](https://law.onecle.com/new-york/general-business/GBS0350-A_350-A.html)