

THE SENATE
STATE OF NEW YORK



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July 31, 2018

New York State Public Service Commission
John Rhodes, Chairman
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

Dear Chairman Rhodes:

I am writing in response to the Public Service Commission's rapid decision to revoke Charter Communication's ability to operate in our state. While Charter has slacked in this process, this revocation creates large issues for my constituents and residents across New York State.

As you know, the New NY Broadband Program was designed to bring high-speed internet to rural communities. Through a \$500 million investment by the Legislature and an additional \$170 million from the FCC, a significant amount of taxpayer dollars went into this effort.

The NYS Broadband Program Office (BPO) was tasked with allocating this funding through a series of award rounds. Analysis of data on the BPO's website shows there is wide disparity in how this funding was spent across counties. The median investment per county was \$5,165,858, but the amounts varied greatly: Clinton County alone received \$35,343,846.

However, the counties in my district received significantly less than the average county. Niagara County has only received \$197,820 from the BPO. Orleans County, a rural community which ranks 35th in population density statewide, only received \$36,699 – less than every county except Westchester and Rockland.

Although this funding disparity is alarming, residents were reassured that the disparity did not mean that they would be without broadband. Since Charter's merger required them to build to 145,000 addresses at no cost to the state, it seemed that my district would be receiving broadband without an investment from the BPO.

However, if Charter's merger is denied and it cannot operate in New York, Charter will not continue to build broadband to New Yorkers. Since all of the New NY Broadband funding has already been awarded, communities that were supposed to receive broadband from Charter will be left in the dark.

If the Commission is to follow through with revoking Charter's ability to operate in New York State, I urge the Commission to work with the BPO and the Legislature to develop a plan to finance the extension of broadband to communities which were scheduled to receive broadband as a condition of the Charter merger. Although I agree with the Commission's sentiment that Charter's pace has been unacceptably slow, I fear that, without proper planning, this penalty could end up harming the residents it was intended to protect. Please contact my office at 716-434-0680 if you wish to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Ort". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Robert G. Ort
Senator, 62nd District

CC:

Governor Andrew Cuomo

NYS Broadband Program Office

Senator John Flanagan, Majority Leader

Senator Joseph Griffo, Energy and Telecommunications Committee Chair

RGO:jmv