

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**JOINT APPLICATION OF CHARTER)
COMMUNICATIONS, INC., COX ENTERPRISES,)
INC., AND COX COMMUNICATIONS, INC. TO)
TRANSFER CONTROL OF COXCOM, LLC'S SERVICE) **Docket No. D-25-18**
AREA 1-8 CERTIFICATES OF AUTHORITY TO)
OPERATE AND FOR COXCOM, LLC TO PARTICIPATE)
IN FINANCING ARRANGEMENTS)**

JOINT APPLICANTS' MOTION FOR PROTECTIVE TREATMENT

Pursuant to R.I. Gen. Laws Section 38-2-2(4) and the Rhode Island Division of Public Utilities and Carriers (the "Division") Rules 810-RICR-00-00-1.3(D) and 1.21(C) and (E), the Joint Applicants¹ hereby request that the Division grant this Motion to protect from disclosure certain confidential information submitted in response to the Advocacy Section's Second Set of Data Requests, DIV 2-1, 2-5, and 2-6.

The Joint Applicants' responses to DIV 2-1, 2-5, and 2-6 contain information that requires protective treatment from disclosure because the responses include a description of materials in CEI's highly confidential Hart-Scott-Rodino ("HSR") filing with the United States Department of Justice ("DOJ") in support of the Transaction² (the "HSR Description") and confidential billing amounts ("Billing Amounts"). The Joint Applicants also respectfully request that, pending entry of that finding, the Division preliminarily grant the Joint Applicants' request for confidential treatment pursuant to Division Rule 810-RICR-00-00-1.3(D)(2). Accordingly, for the reasons discussed further below, the Joint Applicants request exemption and protective treatment of the HSR Description and Billing Amounts, provided in response to the Advocacy Section's data

¹ The "Joint Applicants" are Charter Communications, Inc. ("Charter"), Cox Enterprises, Inc. ("CEI"), Cox Communications, Inc. ("Cox"), and CoxCom, LLC ("CoxCom").

² The "Transaction" refers to the transfer of "substantial control" of Cox's subsidiary CoxCom to Charter as described in the Joint Application filed with the Division on August 12, 2025, in Docket No. D-25-18.

requests in this proceeding, in accordance with R.I. Gen. Laws Section 38-2-2(4)(B) and Division Rules 810-RICR-00-00-1.3(D) and 1.21(C) and (E).

I. LEGAL STANDARD

For matters before the Division, a claim for protective treatment of information is governed by the policy underlying the Access to Public Records Act (“APRA”), R.I. Gen. Laws Section 38-2-1 *et seq.* See Division Rule 810-RICR-00-00-1.3(D)(1). Under APRA, any record received or maintained by a state or local governmental agency in connection with the transaction of official business is considered public unless such record falls into one of the exemptions specifically identified by APRA. See R.I. Gen. Laws §§ 38-2-3(a) and 38-2-2(4). Therefore, if a record provided to the Division falls within one of the designated APRA exemptions, the Division is authorized to deem such record confidential and withhold it from public disclosure.

II. BASIS FOR CONFIDENTIALITY

The HSR Description is exempt from disclosure pursuant to R.I. Gen. Laws Section 38-2-2(4)(S) as “[r]ecords, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law or rule of court.” The HSR Description contains descriptions of materials originally filed in CEI’s highly confidential HSR filing with the DOJ. The Hart-Scott-Rodino Act protects HSR filings from public disclosure. 15 U.S.C. § 18a(h) (“Any information or documentary material filed with the Assistant Attorney General or the Federal Trade Commission pursuant to this section shall be exempt from disclosure under section 552 of title 5, and no such information or documentary material may be made public”) Accordingly, the HSR Description may be withheld from public disclosure pursuant to R.I. Gen. Laws Section 38-2-2(4)(S) because it describes materials that are protected from disclosure by federal law.

The Billing Amounts are exempt from disclosure pursuant to R.I. Gen. Laws Section 38-2-2(4)(B) as “[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.” The Billing Amounts are prices contracted between Cox and municipalities, are of a confidential nature, and are not publicly available. The Billing Amounts are also competitively sensitive and disclosure of them could undermine Cox’s ability to compete in the marketplace. Accordingly, the Billing Amounts may be withheld from public disclosure pursuant to R.I. Gen. Laws Section 38-2-2(4)(B) because they are commercial information obtained from a corporation that is confidential.

The HSR Description and Billing Amounts are exempt from disclosure because the Joint Applicants are obligated to provide them to the Division and the material consists of descriptions of information filed pursuant to the Hart-Scott-Rodino Act that is not publicly available and contracted price information. The Joint Applicants’ submission of the HSR Description and Billing Amounts to the Advocacy Section is therefore intended to comply with three specific Advocacy Section discovery requests to assist the Division in its analysis of the Joint Application. Accordingly, the Joint Applicants are obliged to provide the HSR Description and Billing Amounts to fulfill their regulatory responsibilities and to assist the Division. The Joint Applicants would customarily not release this confidential deliberative and commercial information to the public. Furthermore, in the case of the HSR Description, the Hart-Scott-Rodino Act protects HSR materials from disclosure. Moreover, the disclosure of the HSR Description and Billing Amounts would cause substantial harm to the competitive position of Charter and/or Cox. *See Providence J. Co. v. Convention Ctr. Auth.*, 774 A.2d 40 (R.I. 2001).

For the foregoing reasons, the Joint Applicants respectfully request that the Division grant this Motion for Protective Treatment.

October 14, 2025

Respectfully submitted,

/s/ Alan M. Shoer

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CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2025, I delivered a true copy of the foregoing Motion via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

Alan M. Shoer, Esq.

Docket No. D-25-18 – Charter Communications, Inc., Cox Enterprises, Inc. and Cox Communications, Inc. – Joint Application to Transfer Control and for CoxCom, LLC to participate in financing arrangements.

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(updated 8/19/25)**

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