July 14, 2025

VIA HAND DELIVERY AND ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: Joint Request for Confidential Treatment; In the Matter of Application of Cox Enterprises, Inc., Transferor, and Charter Communications, Inc., Transferee, for Consent to Transfer Control of Domestic and International Section 214 Authorizations

Dear Ms. Dortch:

Charter Communications, Inc. ("Charter") and Cox Enterprises, Inc. ("Cox," and together with Charter, "the Applicants") submit this Request for Confidential Treatment ("Request") requesting that certain highly confidential information contained in documents that they are submitting today in connection with the above-referenced Application be withheld from public disclosure pursuant to Sections 0.457 and 0.459 of the Commission's Rules, 47 C.F.R. §§ 0.457, 0.459. Collectively, this Request refers to that highly confidential information as the "Designated Information."[1]

The highly confidential information that is subject to this Request is contained in the Public Interest Statement, the Declaration of Bryan Keating and Jonathan Orszag, the Declaration of Jessica Fischer, and the Declaration of Perley McBride. Highly confidential information in these materials is denoted with [[text]]. These materials also bear the heading "HIGHLY CONFIDENTIAL INFORMATION – NOT FOR PUBLIC INSPECTION."

Charter and Cox request that the Designated Information be withheld from public inspection pursuant to section 0.457(d)(vi) of the Commission's rules, 47 C.F.R. § 0.457(d)(vi), and Exemption 4 of the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(b)(4). The Designated Information contains commercially sensitive information that Charter and Cox customarily and actually treat as confidential. It includes, for example, information related to contract terms, business relationships, network plans and capabilities, business plans, investments, costs, revenues, and customer-related data. This information is not only protectable under FOIA, it is also "highly confidential" as the Commission has used that term in the context of protective orders for other transactions. The Designated Information is not otherwise available from publicly available sources, has been kept strictly confidential by Charter and Cox, is subject to withholding under FOIA, and is some of the most sensitive business data that, if

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[1] The Applicants submit this Request in anticipation of any Protective Orders the Commission may issue in this proceeding.

released, would allow competitors or those with whom Charter and Cox do business to gain a significant advantage in the marketplace or in negotiations.[2]

In support of this Request, Charter and Cox provide the following information pursuant to 47 C.F.R. § 0.459(b):

1. Information for Which Confidentiality Is Requested. Charter and Cox request that the Designated Information be withheld from public disclosure. The Applicants customarily and actually treat this information as confidential, and the information has not otherwise been made public. 47 C.F.R. § 0.459(b)(1).

2. Proceeding/Reason for Submission. Charter and Cox are submitting the Designated Information in connection with their applications for FCC approval of license transfers as part of the proposed transaction. 47 C.F.R. § 0.459(b)(2).

3. Nature of Confidential Information. The Designated Information is commercially sensitive information that may be withheld from public disclosure under FOIA Exemption 4. This highly confidential information relates to topics such as contract terms and business relationships, network plans and capabilities, business plans, investments, costs, revenues, and customer-related data. 47 C.F.R. § 0.459(b)(3). The Commission has long recognized that, for purposes of Exemption 4, "records are 'commercial' as long as the submitter has a commercial interest in them."[3]

4. Competitiveness of Market. The Designated Information relates to Charter and Cox's provision of competitive broadband, voice, mobile, video, enterprise, and advertising services, and thus concerns markets that are highly competitive. 47 C.F.R. § 0.459(b)(4).

5. Harm from Disclosure. The D.C. Circuit has held that parties do not have to "'show actual competitive harm'" to justify confidential treatment. Rather, "'[a]ctual competition and the likelihood of substantial competitive injury' is sufficient to bring commercial information within the realm of confidentiality."[4] As noted above, Charter and Cox customarily and actually treat the designated information as confidential.[5] In addition, the release of this information may cause competitive harm to the Applicants. 47 C.F.R. § 0.459(b)(5).

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[2] *See, e.g., Applications of T-Mobile US, Inc. and United States Cellular Corporation*, Protective Order, DA 24-928 (re. Sept. 11, 2024).

[3] *Robert J. Butler*, 6 FCC Rcd 5414, 5415 ¶ 12 (1991) (citing *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983)); *American Airlines, Inc. v. National Mediation Board*, 588 F.2d 863, 868 (2d Cir. 1978).

[4] *Public Citizen Health Research Group*, 704 F.2d at 1291, quoting *Gulf & Western Industries v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979).

[5] *See Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019).

6. Measures Taken to Prevent Unauthorized Disclosure. Charter and Cox customarily and actually treat the Designated Information as confidential and have not publicly disclosed it. 47 C.F.R. § 0.459(b)(6).

7. Previous Disclosure. Charter and Cox have not publicly disclosed the Designated Information, and none of the Designated Information produced with this response is available to the public. This information is disclosed to third parties only to the extent such parties have a right to the information and subject to appropriate confidentiality obligations, or such disclosure is required by law. 47 C.F.R. § 0.459(b)(7).

8. Requested Duration of Nondisclosure. The Designated Information should never be released for public inspection, as it contains sensitive information, the release of which could adversely affect Charter and Cox's competitive positions. 47 C.F.R. § 0.459(b)(8).

9. Any other information. The public interest will be served if the Designated Information is withheld from public disclosure. Specifically, it is in the public interest for competitively sensitive information to remain confidential and not be available for use by competitors. 47 C.F.R. § 0.459(b)(9).

For the foregoing reasons, Charter and Cox respectfully request that the Commission withhold the Designated Information from public inspection. Should you need additional information with regard to this Request, please contact the undersigned.

Respectfully submitted,

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