

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Applications Filed by Cablevision Systems Corporation and Altice N.V. to Transfer Control of Authorizations from Cablevisions Systems Corporation to Altice N.V.	)	WC Docket No. 15-257
	)	
	)	

**OBJECTION TO REQUESTS FOR ACCESS  
TO HIGHLY CONFIDENTIAL INFORMATION**

Pursuant to Paragraph 8 of the *Protective Order* in the captioned proceeding,<sup>1</sup> Altice N.V. (“Altice”) and Cablevision Systems Corporation (“Cablevision,” and, together with Altice, “Applicants”), hereby object to the requests for access to Highly Confidential Information (“HCI”) submitted by two self-identified employees of the Communications Workers of America (“CWA”), Debbie Goldman and Randy Barber (the “Requesting Persons”).<sup>2</sup>

Each of the Requesting Persons has filed an Acknowledgement seeking access to HCI submitted to the Commission in this proceeding.<sup>3</sup> Notices of these Acknowledgements were posted to the Commission’s website on February 29, 2016, within days of *two* different rulings by an administrative law judge in New York that *each* denied CWA and other parties access to

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<sup>1</sup> *In the Matter of Applications Filed by Cablevision Systems Corporation and Altice N.V. to Transfer Control of Authorizations from Cablevision Systems Corporation to Altice N.V.*, Protective Order, WC Docket No. 15-257, DA 16-202 (Feb. 25, 2016) (“*Protective Order*”). All capitalized terms not otherwise defined herein are defined in the *Protective Order*.

<sup>2</sup> The Requesting Persons also seek access to Applicants’ February 25, 2016, responses to the Commission’s information requests dated February 4, 2016, containing unredacted Confidential Information (“CI”). Applicants do not object to that request. Pursuant to the procedures set forth in Paragraph 9 of the *Protective Order*, Applicants will make available to the Requesting Persons a copy of Applicants’ responses containing unredacted CI.

<sup>3</sup> Copies of the Acknowledgments (and the cover letter that accompanied them) are attached hereto as Exhibit A.

substantially similar (and in one instance nearly identical) highly confidential information on the grounds that providing such access “would expose [Applicants] to an unreasonable risk of harm.”<sup>4</sup> Applicants urge the Commission to take these rulings into account as it evaluates the extent to which parties should be afforded access to HCI in this proceeding.

Applicants recognize, of course, that the *Protective Order* permits the Commission to afford certain individuals access to HCI. Indeed, Applicants have not objected to access sought to date by qualified individuals who have requested access to HCI. Here, however, and as explained below, the Requesting Persons have failed to meet the requirements for access to HCI under the *Protective Order*.

**I. Employees of Commercial Participants like CWA May Not Access Highly Confidential Information Under the Plain Terms of the *Protective Order*.**

Under the Terms of the *Protective Order*, only an “Outside Counsel” or “Outside Consultant” may access HCI.<sup>5</sup> Here, neither of the Requesting Persons is a lawyer, and so cannot qualify as “Outside Counsel.”<sup>6</sup> Thus, under the terms of the *Protective Order*, the Requesting Persons are permitted access to HCI only if they qualify as “Outside Consultants” to CWA. The *Protective Order* provides that the term “Outside Consultant” “includes any consultant or expert employed by a non-commercial Participant in this proceeding, provided that

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<sup>4</sup> *Joint Petition of Altice N.V. and Cablevision Systems Corporation and Subsidiaries for Approval of a Holding Company Level Transfer of Control of Cablevision Lightpath, Inc. and Cablevision Cable Entities, and for Certain Financing Arrangements*, Ruling Regarding Highly Sensitive Information, Case 15-M-0647 (Feb. 26, 2016) (“February 26th NYPSC Ruling”) at 4-5; see also *Joint Petition of Altice N.V. and Cablevision Systems Corporation and Subsidiaries for Approval of a Holding Company Level Transfer of Control of Cablevision Lightpath, Inc. and Cablevision Cable Entities, and for Certain Financing Arrangements*, Ruling Regarding Highly Sensitive Information, Case 15-M-0647 (March 1, 2016) (“March 1st NYPSC Ruling”) at 4.

<sup>5</sup> *Protective Order* ¶ 7 (access to HCI is limited to “Outside Counsel of Record, Outside Consultants, their employees and employees of their Outside Firms, and Support Personnel.”).

<sup>6</sup> See *id.* ¶ 2 (defining “Outside Counsel”).

such consultant or expert is not involved in Competitive Decision-Making.”<sup>7</sup> Because the Requesting Persons have held themselves out as employees as CWA, they must demonstrate in the first instance that CWA is “a non-commercial Participant in this proceeding.”<sup>8</sup>

The Requesting Persons have not made — and indeed cannot make — this showing. This is because CWA quite clearly is a commercial Participant in this proceeding. CWA participates in union organizing and collective bargaining activities directly adverse to Cablevision and has been regularly and is currently involved in labor disputes with Cablevision.<sup>9</sup> Moreover, CWA is the collective bargaining representative for thousands of employees of Cablevision’s largest competitor, Verizon.<sup>10</sup> Indeed, CWA’s comments in this proceeding make reference to its collective bargaining activities and contend that it and its members “fought for years to win union representation” at Cablevision.<sup>11</sup> Given that CWA engages in business transactions both with Cablevision and with direct competitors of Cablevision, and represents

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<sup>7</sup> *Id.*

<sup>8</sup> *See id.* Mr. Barber’s representation regarding his employer conflicts with a statement he made in the parallel proceeding before the New York Public Service Commission (“New York PSC”) that he is the President of an organization called the Center for Economic Organizing. *See Joint Petition of Altice N.V. and Cablevision Systems Corporation and Subsidiaries for Approval of a Holding Company Level Transfer of Control of Cablevision Lightpath, Inc. and Cablevision Cable Entities, and for Certain Financing Arrangements*, Exhibit 1 Agreement to the Protective Order Adopted in Case 15-M-0647 Before the New York State Public Service Commission, Case 15-M-0647 (Jan. 12, 2016). Applicants request that Mr. Barber clarify his employment status before a determination as to whether HCI must be disclosed to him is made. If Mr. Barber is, in fact, a CWA employee, then he should not be permitted access to HCI for the reasons stated with respect to Ms. Goldman. If the representation before the New York PSC proceeding is correct, however, and if Mr. Barber demonstrates that he is not involved in Competitive Decision-Making, then Applicants may reconsider their position with respect to Mr. Barber.

<sup>9</sup> *See* February 26th NYPSC Ruling at 5; March 1st NYPSC Ruling at 3.

<sup>10</sup> *See id.*

<sup>11</sup> Petition to Deny or in the Alternative Impose Conditions, Communications Workers of America, WC Docket No. 15-257, Dec. 7, 2015, at 2.

business interests adverse to Cablevision in those contexts, it cannot qualify as a “non-commercial Participant” in this proceeding.

Notably, no other regulator reviewing the proposed transaction has permitted CWA or any other third party to access competitively sensitive materials comparable to the HCI produced in this proceeding. For instance, in two decisions issued over the last seven days by the New York Public Service Commission, an administrative law judge denied CWA’s request to access highly sensitive information submitted by Applicants, concluding in that proceeding that the disclosure of such highly sensitive information “would expose Altice and Cablevision to an unreasonable risk of harm.”<sup>12</sup>

Altice and Cablevision have been judicious and highly selective in their designation of material as HCI in this and other dockets. That approach, together with the approach taken by other regulatory authorities that have considered this issue, should be highly relevant to the Commission’s disposition of the issue here.

## **II. There Are Additional Grounds on Which Ms. Goldman is Precluded from Accessing HCI.**

Aside from being an employee of CWA, which is a commercial Participant in this proceeding, Ms. Goldman should be barred from accessing HCI submitted by Applicants because she is involved in Competitive Decision-Making. Indeed, publicly-available information about Ms. Goldman states that she has responsibility at CWA for, among other things, “providing support to the union’s collective bargaining and organizing program.”<sup>13</sup> As this description demonstrates, and as her title suggests, Ms. Goldman is “involve[d] [in] advice

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<sup>12</sup> In one of these decisions, the confidential material at issue was nearly identical to the HCI submitted in this proceeding. *See supra* note 4.

<sup>13</sup> User Profile for Debbie Goldman, confabb, the conference community, *available at* <http://www.tba2008.confabb.com/users/profile/dgoldman++>.

about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of CWA in its dealings with Cablevision and its competitors.<sup>14</sup> Ms. Goldman therefore is precluded from accessing HCI for this reason as well.

\* \* \*

For the reasons stated herein, Applicants object to providing HCI to the Requesting Persons. Because the Requesting Persons have not identified their counsel, a copy of this Objection to Requests for Access to Highly Confidential Information is being provided directly to them in an effort to conform to the procedure set forth in the Protection Order.<sup>15</sup>

Respectfully submitted,

**ALTICE N.Y.**

By:



Yaron Dori  
Brandon H. Johnson  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001  
(202) 662-6000  
*Counsel for Altice*

**CABLEVISION SYSTEMS CORPORATION**

By:



Tara M. Corvo  
Paul D. Abbott  
MINTZ LEVIN COHN FERRIS  
GLOVSKY AND POPEO PC  
701 Pennsylvania Avenue, NW  
Suite 900  
Washington, DC 20004  
(202) 434-7300  
*Counsel for Cablevision*

March 2, 2016

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<sup>14</sup> *Protective Order* ¶ 2 (definition of “Competitive Decision-Making”).

<sup>15</sup> *Id.* ¶ 8.

**EXHIBIT A**

**Communications  
Workers of America  
AFL-CIO, CLC**

501 Third Street, N.W.  
Washington, D.C. 20001-2797  
202/434-1100

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Yaron Dori  
Counsel for Altice  
Covington & Burlington LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956

***Via E-Mail***

**WC Docket No. 15-257. In the Matter of Applications Filed for the Transfer of Control of  
Cablevision Systems to Altice N.V.**

Dear Mr. Dori:

Per instructions in the Protective Order released February 25, 2016, the Communications Workers of America (CWA) submits the attached Acknowledgements of Confidentiality for Debbie Goldman and Randy Barber.

We request the unredacted confidential and highly confidential responses to the Commission's information requests that were submitted to the Commission on February 25, 2016.

Thank you. If you have any questions, I can be reached at 202-434-1194. My e-mail is [dgoldman@cwa-union.org](mailto:dgoldman@cwa-union.org). The e-mail for Randy Barber is [rbatceo@aol.com](mailto:rbatceo@aol.com).

Sincerely,

A handwritten signature in black ink that reads "Debbie Goldman". The signature is written in a cursive, flowing style.

Debbie Goldman

Enclosures

cc: Neil Dellar, Office of General Counsel  
Joel Rabinovitz, Office of General Counsel  
Bill Dever, Office of General Counsel  
Kris Anne Monteith, Deputy Chief, Wireline Competition Bureau

## APPENDIX B

## Acknowledgment of Confidentiality

WC Docket No. 15-257

I am seeking access to  only Confidential Information or  Confidential and Highly Confidential Information.

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents, Stamped Highly Confidential Documents, Confidential Information or Highly Confidential Information except as allowed by the Protective Order.

I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission (Commission). I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential or Highly Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the Protective Order limits any other rights and remedies available to a Submitting Party at law or in equity against me if I use Confidential or Highly Confidential Information in a manner not authorized by this Protective Order.

I certify that I am not involved in Competitive Decision-Making.

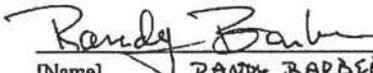
Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or Outside Consultant to a party or as an employee of Counsel, Outside Consultant, or Outside Firm, and I agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Confidential Documents and Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of Confidential Information or Highly Confidential Information in my possession, in the possession of those who work for me or in the possession of other Support Personnel, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Confidential Information and Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed this 26<sup>th</sup> day of FEBRUARY, 2016

  
 [Name] RANDY BARBER  
 [Position] CONSULTANT  
 [Firm] COMMUNICATIONS WORKERS OF AMERICA  
 [Telephone] 202-531-6201  
 [Party] COMMUNICATIONS WORKERS OF AMERICA

APPENDIX B

Acknowledgment of Confidentiality

WC Docket No. 15-257

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I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission (Commission). I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential or Highly Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the Protective Order limits any other rights and remedies available to a Submitting Party at law or in equity against me if I use Confidential or Highly Confidential Information in a manner not authorized by this Protective Order.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or Outside Consultant to a party or as an employee of Counsel, Outside Consultant, or Outside Firm, and I agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Confidential Documents and Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of Confidential Information or Highly Confidential Information in my possession, in the possession of those who work for me or in the possession of other Support Personnel, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Confidential Information and Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed this 26 day of February, 2016

Debbie Goldman

[Name]  
[Position]  
[Firm]  
[Telephone]  
[Party]  
10

Debbie Goldman  
Telecommunications Policy Director  
Communications Workers of America  
202-434-1194  
dgoldman@cwu-union.org

**CERTIFICATE OF SERVICE**

I, Yaron Dori, hereby certify that on this 2nd day of March, 2016, I caused true and correct copies of the foregoing Objection to Requests for Access to Highly Confidential Information to be served by Federal Express and electronic mail to the following:

Debbie Goldman  
Communications Workers of America  
AFL-CIO, CLC  
501 Third Street, N.W.  
Washington, D.C. 20001-2797

Randy Barber  
Communications Workers of America  
AFL-CIO, CLC  
501 Third Street, N.W.  
Washington, D.C. 20001-2797

By:

A handwritten signature in blue ink, appearing to read "Yaron Dori", is written over a horizontal line. The signature is cursive and includes a large loop at the end.