

**BEFORE THE SOUTH DAKOTA PUBLIC UTILITIES COMMISSION**

In The Matter of the Application of )  
 )  
Time Warner Cable Business LLC )  
 )  
For Certificate of Authority )  
to Provide Interexchange )  
Telecommunications Services )  
within the State of South Dakota )

Docket No. \_\_\_\_\_

**APPLICATION OF TIME WARNER CABLE BUSINESS, LLC**

Time Warner Cable Business LLC (“Time Warner Cable Business” or “Applicant”), by its undersigned counsel and pursuant to S.D. Admin. R. 20:10:24:02 of the South Dakota Public Utilities Commission (“Commission”), applies for a Certificate of Authority (“Certificate”) to provide facilities-based interexchange telecommunications services throughout the State of South Dakota. Applicant is a subsidiary of Charter Communications, Inc. (“Charter”), a leading broadband communications company and the second largest cable operator in the United States. Applicant seeks certification to provide new and existing business customers with seamless services on a nationwide basis.

Pursuant to S.D. Codified Laws § 49-31-3 and S.D. Admin. R. 20:10:24:02, Time Warner Cable Business provides the following information in support of its application:

**(1) The applicant’s name, address, telephone number, facsimile number, webpage URL and email address.**

Applicant’s legal name is Time Warner Cable Business LLC, and its corporate office is located at:

12405 Powerscourt Drive  
St. Louis, MO 63131  
Tel: 1-800-892-4357  
Fax: 314-288-3555  
Web: [www.spectrum.com](http://www.spectrum.com)

Written correspondence concerning this application should be sent to: [betty.sanders@charter.com](mailto:betty.sanders@charter.com).

**(2) A description of the legal and organizational structure of the applicant's company.**

Time Warner Cable Business a limited liability company organized under the laws of the state of Delaware and, as indicated above, it is an indirect subsidiary of and managed by Charter. Charter is a publicly traded communications company that provides a full range of advanced broadband services, including Spectrum TV® video entertainment programming, Spectrum Internet® access, and Spectrum Voice®. Spectrum Business® similarly provides scalable, tailored, and cost-effective broadband communications solutions to business organizations, such as business-to-business Internet access, data networking, business telephone, video and music entertainment services, and wireless backhaul.

Responsibility for Applicant's South Dakota operations will be handled by Charter and its management team from its place of business in St. Louis, Missouri. The management teams at Charter include individuals with extensive experience in successfully developing and operating communications businesses. Through arrangements with its parent, Time Warner Cable Business will have sufficient managerial and technical capability to ensure that it can provide the services for which it seeks certification. To further demonstrate managerial and technical ability, Applicant advises that the biographies of its officers and key personnel can be found on its website at <https://charter.gcs-web.com/corporate-governance/company-leadership>.

**(3) The name under which the applicant will provide interexchange services if different than in subdivision (1).**

Applicant will provide interexchange services in South Dakota using the "Spectrum" or "Spectrum Business" brand name.

**(4) A copy of the applicant's certificate of authority to transact business in South Dakota from the Secretary of State.**

A copy of Applicant's Certificate of Authority to Transact Business as a foreign limited liability company in South Dakota is attached as Exhibit A.

**(5) The location of applicant's principal office, if any, in the state of South Dakota and address of its current registered agent, if applicable.**

Applicant currently does not maintain an office or personnel within the State of South Dakota. Responsibility for South Dakota operations will be handled from Charter's St. Louis, Missouri location. As Applicant's existing customer base expands in South Dakota, it will increase its presence in the state.

Applicant's registered agent in South Dakota is:

Corporation Service Company  
503 S. Pierre St.  
Pierre, South Dakota 57501

**(6) A list and specific description of the telecommunications services the applicant intends to offer.**

Applicant seeks authorization to provide point-to-point, point-to-multipoint, and multipoint-to-multipoint dedicated non-voice high-capacity transmission services that connect one or more customer-designated locations and/or to the company. The service may utilize Ethernet interfaces, optical fiber and/or coaxial cable facilities, and will be designed and provisioned on an individual case basis pursuant to contracts with customers.

**(7) A detailed statement of how the applicant will provide its services.**

Applicant, through its parent company, will support customers on a nationwide basis. As customer demand expands, Applicant will deploy and/or lease facilities from other carriers to meet customer demand in South Dakota. Where Applicant provides its services using its own facilities, Applicant will employ the following types of equipment in the provision of its service: poles, fiber optic cable, and antennas. Where Applicant provides its services using the facilities of underlying carriers, Applicant will employ any and all equipment types used by the underlying carrier in the provision of its service as necessary.

**(8) A service area map or narrative description indicating with particularity the geographic area proposed to be served by the applicant.**

Applicant seeks authority to provide interexchange services in the entire state of South Dakota in all exchanges to the extent open to competition.

**(9) For the most recent twelve (12) month period, financial statements of the applicant including a balance sheet, income statement, and cash flow statement.**

Please see Exhibit B attached hereto for a copy of Charter's most recent annual financial statements. Applicant does not separately report its financial results from its parent company, Charter. For purposes of this application, Applicant will rely on the consolidated financial statements of its parent to demonstrate Applicant's financial qualification to operate in South Dakota.

**(10) The names, addresses, telephone number, facsimile number, email address, and toll free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters and a description of how the applicant handles customer service matters.**

Applicant maintains the following toll-free number for customer complaints and inquiries:  
(800) 892-4357.

For Customer Complaint Resolution:

William C. Wesselman, Director of Law – Regulatory  
Charter Communications, Inc.  
Greenwood Village, Colorado 80111  
Tel: (888) 438-2427  
Email: [regulatory.complaints@charter.com](mailto:regulatory.complaints@charter.com)

For Regulatory Matters:

Betty Sanders  
Vice President – Telephone Regulatory  
Charter Communications, Inc.  
12405 Powerscourt Drive  
St. Louis, MO 63131  
Tel: (314) 394-9876  
Fax: (314) 288-3555  
Email: [betty.sanders@charter.com](mailto:betty.sanders@charter.com)

**(11) Information concerning how applicant plans to bill and collect charges from customers.**

Applicant will bill customers on a monthly basis for recurring monthly charges for services provided. Non-recurring charges will be billed in the first billing cycle following completion of the work that generated the charge, or as agreed to by customer. The billing statement will contain details of usage and applicable fees, including state, local and federal taxes, and any applicable

surcharges. The billing statement will also include Applicant's name. Applicant's tariff and its individual customer contracts will address customer billing in greater detail.

**(12) Information concerning the applicant's policies relating to solicitation of new customers and a description of the efforts the applicant shall use to prevent the unauthorized switching of interexchange customers.**

Applicant's customer base will consist solely of business and enterprise customers, and no residential customers. Applicant intends to solicit new customers from its existing customer base for other services, and through business-to-business marketing. Applicant typically provides its services on an individual contract basis ("ICB") with particular customers. Applicant does not intend to offer switched long distance services for which unauthorized switching ("slamming") is of concern. Regardless, to the extent applicable, Applicant pledges to follow all federal and state-specific anti-slamming rules, and will not engage in any unauthorized switching or slamming practices.

**(13) Information concerning how the applicant will make available to any person information concerning the applicant's current rates, terms, and conditions for all its telecommunications services.**

Information concerning Applicant's current rates, terms, and conditions for all of its telecommunications services will be available on its website at [www.spectrum.com](http://www.spectrum.com).

**(14) Information concerning how the applicant will notify a customer of any materially adverse change to any rate, term, or condition of any telecommunications service being provided to the customer. The notification must be made at least thirty days in advance of the change.**

Notice of any materially adverse change to any rate, term, or condition of any telecommunication service offered by Applicant to customers in South Dakota will be provided in writing via U.S. mail or on customers' billing statements at least thirty (30) days prior to the effective date of the change.

**(15) A list of the states in which the applicant is registered or certified to provide telecommunications services, whether the applicant has ever been denied registration or certification in any state and the reasons for any such denial, a statement as to whether or not the applicant is in good standing with the appropriate regulatory agency in the states where it is registered or certified, and a**

**detailed explanation of why the applicant is not in good standing in a given state, if applicable.**

Time Warner Cable Business currently provides services in the following states: Alabama, Arizona, California, Colorado, Florida, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

Time Warner Cable Business is currently applying and/or registering to offer telecommunications services in Alaska, Arkansas, Delaware, Iowa, North Dakota, Oklahoma, Rhode Island, and Utah.

In addition, Applicant has not been denied requested certification in any jurisdiction, nor has any permit, license, or certificate been permanently revoked by any authority.

**(16) A description of how the applicant intends to market its services, its target market, whether the applicant engages in any multilevel marketing, and copies of any company brochures used to assist in the sale of services.**

Applicant seeks to target business and enterprise customers, and offer communications solutions individually tailored for each customer's needs. As previously noted, Applicant intends to solicit new customers from its existing customer base for other services, and through business-to-business marketing. Applicant will not engage in multilevel marketing to sell its services. Copies of Applicant's marketing materials are attached as Exhibit C.

**(17) Federal tax identification number and South Dakota sales tax number.**

Time Warner Cable Business's Federal Tax Identification Number is 35-2466312. Applicant is in the process of obtaining a South Dakota sales tax number. Applicant does not currently have a South Dakota sales tax number because it does not currently operate in the state.

**(18) The number and nature of complaints filed against the applicant with any state or federal regulatory commission regarding the unauthorized switching of a customer's telecommunications provider and the act of charging customers for services that have not been ordered.**

Applicant has not been the subject of complaints for the unauthorized switching of a customer's telecommunications provider nor for charging customers for services that were not ordered.

Wherefore, Time Warner Cable Business respectfully requests that the Commission grant it authority to provide interexchange services throughout the entire state of South Dakota in those areas that are subject to competition.

Respectfully submitted,

Time Warner Cable Business LLC

By: Charter Communications, Inc., its Manager



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Betty J. Sanders

Vice President – Telephone Regulatory

Dated: July 22, 2019