



March 12, 2026

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223

Re: Case 25-M-0466 — Joint Comment of the National Institute for Workers' Rights and LatinoJustice PRLDEF on the Joint Petition of Charter Communications, Inc. and Cox Enterprises, Inc.

Dear Secretary Phillips:

The National Institute for Workers' Rights and LatinoJustice PRLDEF write to submit these joint comments in opposition to the proposed merger of Charter Communications, Inc. and Cox Enterprises, Inc., as currently structured. While we acknowledge that Charter's February 25, 2026 Supplement to the Joint Petition contains some positive steps, its employment-related commitments fall materially short of what is needed to demonstrate that this transaction serves the public interest of New York workers.

We urge the Commission to require stronger conditions before granting approval. For example, under Charter's Commitment 18, the Commission should require that Charter's annual filings with the Commission include compensation data disaggregated by race, ethnicity, and gender, promotion rate data disaggregated by race, ethnicity, and gender, and a description of the specific organizational mechanisms Charter maintains to identify and correct violations of antidiscrimination law. The Commission should establish minimum standards for what constitutes an adequate description.

LatinoJustice PRLDEF is a civil rights organization that uses laws to create a more just and equitable society. For over 54 years, LatinoJustice has worked to break down barriers and expand opportunity for Latino communities and others who face discrimination. LatinoJustice has a particular interest in this proceeding because Charter operates NY1 Noticias, one of the few Spanish-language local news services in New York, and because Latino workers are among those most exposed to the discrimination that results when companies retreat on their commitments to equal opportunity.

The National Institute for Workers' Rights (NIWR) aspires to a future in which all workers are treated with dignity and respect and have access to justice if their rights are violated. NIWR works to hold companies accountable for their equal opportunity commitments, including by engaging state and federal regulators when companies seek approvals that directly affect large numbers of workers.

Charter Is a Major Employer in New York, Which Affects the Public Interest

Charter operates at enormous scale in this state: 3.4 million customers across 1,144 communities, over 9,000 employees based in New York City, Rochester, and the Buffalo area, and more than one million mobile lines.¹ In 2024 alone, Charter extended its network to reach an additional 80,000 homes and small businesses in New York and invested \$735 million in capital improvements.² New York is home to more than four million Latino residents — one of the largest Latino populations of any state in the nation — who make up a substantial share of both Charter’s customer base and its workforce in the communities it serves.³ In its Joint Petition, Charter represents to this Commission that its approximately 95,000 national employees “all enjoy the benefits of Charter’s substantial investments in its employee workforce.”⁴ As we explain below, Charter’s actual commitments in the Supplement tell a very different story about what those workforce investments mean for equal opportunity.

When the Commission evaluates whether this transaction serves the public interest of New Yorkers, it must consider not only what Charter delivers to customers, but what kind of employer it is and what kind of employer it intends to be, to the thousands of New Yorkers who depend on it for their livelihoods.

Charter Appears to Have Dismantled Its Equal-Opportunity Efforts

Charter once maintained a meaningful commitment to diversity, equity, and inclusion — including a Chief Diversity Officer with organizational standing to affect employment decisions across the company. That infrastructure has been dismantled. The Chief Diversity Officer position has been retitled Senior Vice President of Community Impact and Engagement, a change that appears to reflect a demotion in function, not merely in name.⁵

Links that previously directed visitors to Charter’s Diversity, Equity, and Inclusion pages now redirect to a page entitled “Investing in the Future of America” — a rebranding that removes any acknowledgment of the substantive work those programs were meant to do.⁶

Most tellingly, the Public Interest Statement that Charter and Cox filed jointly with the FCC on July 14, 2025 — the document in which the two companies make their case for why this merger serves the public — does not mention diversity, equity, or inclusion at any point.⁷ This backdrop is essential context for evaluating the nondiscrimination commitments Charter has now offered to this Commission.

¹Joint Petition of Charter Communications, Inc. and Cox Enterprises, Inc., Case No. 25-M-0466 (N.Y. Pub. Serv. Comm’n, filed Aug. 1, 2025) (“Joint Petition”) at 5. Charter serves customers across 1,144 communities in New York, with employment centers in New York City, Rochester, and the Buffalo area.

²Joint Petition at 5. Charter also invested \$735 million in capital improvements and service enhancements in New York in 2024 alone. Id.

³U.S. Census Bureau, 2023 American Community Survey, New York State demographic estimates. New York’s Latino population of approximately 4.4 million is the second-largest of any state.

⁴Joint Petition at 4 (Charter’s approximately 95,000 national employees “all enjoy the benefits of Charter’s substantial investments in its employee workforce”).

⁵“Is Charter Next to Face Carr’s DEI Guillotine?,” *Broadband Breakfast* (2025), available at <https://broadbandbreakfast.com/is-charter-next-to-face-carrs-dei-guillotine/>.

⁶Id.

⁷Charter Communications and Cox Enterprises, Public Interest Statement, FCC WC Docket No. 25-233 (filed July 14, 2025). See “Charter, Cox Defend Merger to FCC,” *Broadband Breakfast*, available at <https://broadbandbreakfast.com/charter-cox-defend-merger-to-fcc/>.

Charter’s Nondiscrimination Commitments in the Supplement Fall Short

The Supplement’s Section VII contains Charter’s employment equity commitments.

Commitments 15 through 17 state that Charter “recognizes that they are bound by, must obey and will continue to implement” a list of applicable federal and New York antidiscrimination laws, commits not to discriminate against employees or customers, and commits to cooperate with any New York State agency investigating discrimination. These are not public interest commitments — they are restatements of Charter’s existing legal obligations. Every employer in New York is already required to comply with Title VII, the NYSHRL, and the other laws listed. The Commission is not in the business of granting merger approval in exchange for a company’s promise to follow the law.

Commitment 18 is the most substantive equal-opportunity commitment in the Supplement, and it is a starting point worth building on rather than accepting as sufficient. Charter commits to file its EEO-1 report with the Commission annually beginning in 2027, accompanied by a description of “policies or activities that ensure equal opportunity and non-discrimination in recruitment and hiring.” This creates a record and a mechanism for Commission oversight. But it has three significant gaps.

First, the EEO-1 form reports workforce composition by job category, sex, and race/ethnicity — headcounts. It does not capture compensation equity, promotion rates, or performance review outcomes, which are the employment decisions where research most consistently documents discrimination. Charter could submit EEO-1 reports reflecting a racially diverse workforce while still systematically underpaying workers of color and passing them over for promotion.

Second, there is no requirement that Charter’s description of “policies or activities” be substantive, robust, or effective. A company that has eliminated its Chief Diversity Officer and disbanded its equal opportunity infrastructure could describe a handful of passive policies as satisfying this condition. There are no benchmarks, no minimum standards, and no penalty for submitting an inadequate description.

Third, the five-year duration is modest for a company of Charter’s scale and permanence in New York. The Commission’s interest in Charter’s New York workers does not expire five years after closing.

The Supplement’s Section V employment commitments are also instructive for what they reveal. Charter commits \$20 million over three years to a Broadband Field Technician Apprenticeship Program that “targets veterans.” This is a worthy program. But it appears to be a workforce development investment for one specific group, not a comprehensive equal opportunity program. It says nothing about recruiting from underrepresented communities, or removing barriers to fair pay, promotion, or equitable treatment for the broader workforce. This is not enough.

What Equal-Opportunity Efforts Actually Do— and What Their Absence Means

We want to be precise about what concerns us. We are not primarily focused on external sponsorships, public statements, or vocabulary. What concerns us is the substantive, internal work to ensure that employment decisions are made fairly and free from illegal discrimination.

That means, concretely: ensuring that pay is equitable across gender, race, and national origin, where persistent and well-documented gaps continue to disadvantage women and workers of color, including the

documented pay gap affecting Latino workers;⁸ ensuring that qualified candidates are not passed over in hiring and promotion on the basis of race, national origin, sex, or other protected characteristics — a problem that decades of controlled research confirm remains severe, including a landmark study finding that Latino applicants receive 24 percent fewer callbacks than identically qualified white applicants, a gap that has not narrowed in 25 years of study;⁹ and ensuring that performance reviews do not systematically penalize workers for biases unrelated to their actual work — including the well-documented pattern of women receiving disproportionately negative personality-based feedback and depressed “potential” ratings despite equal or superior performance.¹⁰

Research shows that dedicated equal-opportunity staff — the people responsible for pay equity audits, fair hiring processes, and bias review in performance evaluations — affect these outcomes.¹¹ When Charter eliminates or sidelines this infrastructure, it reduces its organizational capacity to catch and correct illegal discrimination. Put plainly: a company that says it will no longer invest in preventing discrimination is telling its workers and the public that it is prepared to tolerate a certain level of illegal discrimination by its managers. The EEO-1 reports Charter has promised to file will document the resulting workforce composition. They will not prevent it.

New York Has a Regulatory Interest in Equal Opportunity, and the Commission Should Protect It

New York maintains among the strongest worker protection laws in the country, including broad anti-discrimination requirements under the New York State Human Rights Law that cover all employers regardless of size and provide protections exceeding federal law.¹² The Commission has a legitimate interest in whether a regulated entity of Charter’s scale and market power is structurally equipped to comply with those laws. A company that has removed the organizational capacity to monitor pay equity, audit promotion decisions, and address bias in performance reviews is creating foreseeable harm to the New York workers subject to its decisions.

The Commission need not simply accept Charter’s Supplement as offered. In January 2026, the California Public Utilities Commission used its review of the Verizon-Frontier merger to require Verizon to commit \$500 million to investment with California small businesses, \$10 million to a workforce development

⁸Pay disparities remain significant and well-documented: women earn 82 cents on average for every dollar paid to men; Black men earn 87 cents and Latino men 91 cents for each dollar earned by white men. See CBS News, “What has DEI done for U.S. workers and employers?,” available at <https://www.cbsnews.com/news/dei-diversity-equity-inclusion-corporate-programs/>.

⁹Quillian et al., “Meta-analysis of field experiments shows no change in racial discrimination in hiring over time,” 114 Proc. Nat’l Acad. Sci. 10870 (2017), available at <https://www.pnas.org/doi/10.1073/pnas.1706255114>. Since 1990, white applicants have received on average 36% more callbacks than Black applicants and 24% more callbacks than Latino applicants with identical résumés.

¹⁰ Studies find that 66% of women’s performance reviews contained at least one negative personality criticism, while only 1% of men’s reviews did. See also Stanford Graduate School of Business, “The Language of Gender Bias in Performance Reviews,” available at <https://www.gsb.stanford.edu/insights/language-gender-bias-performance-reviews>. Research also finds that women received significantly lower “potential” ratings despite higher job performance ratings, accounting for 30–50% of the gender promotion gap. See Harvard Kennedy School Women and Public Policy Program, “The Role of Gender and Race in Performance Appraisals,” available at <https://www.hks.harvard.edu/centers/wappp/news-and-events/role-gender-and-race-performance-appraisals>.

¹¹National Institute for Workers’ Rights, Making Equal Opportunity Real: How Diversity, Equity, and Inclusion Efforts Combat Workplace Discrimination (May 2025), available at <https://niwr.org/2025/05/20/policy-brief-how-dei-combats-discrimination/>.

¹²New York State Human Rights Law (“NYSHRL”), N.Y. Exec. Law §§ 290–301.

partnership with the California State University system focused on outreach and recruitment for workers facing documented barriers to employment, and quarterly employee surveys on belonging and inclusion.¹³ Those conditions were achieved because intervening parties made a clear record and the Commission exercised its authority. New York can do the same.

The Commission's approval is a condition of Charter's ability to operate and grow in this state. The Supplement demonstrates that Charter is willing to make employment commitments to obtain that approval. The Commission's task now is to ensure those commitments are commensurate with the scale of Charter's operations in New York and the scope of what is at stake for New York workers.

What We Are Asking For

We ask that the Commission condition approval of this transaction on Charter making the following additional commitments, which build directly on the framework Charter has already offered in its Supplement:

- Restore and maintain a Chief Diversity Officer — or equivalent senior officer — with genuine organizational authority over employment practices across hiring, compensation, performance evaluation, and promotion, with a mandate to identify and correct barriers to equal opportunity and legal compliance across Charter's New York workforce.
- Expand Commitment 18 to require that Charter's annual filings with the Commission include compensation data disaggregated by race, ethnicity, and gender, promotion rate data disaggregated by race, ethnicity, and gender, and a description of the specific organizational mechanisms Charter maintains to identify and correct violations of antidiscrimination law. The Commission should establish minimum standards for what constitutes an adequate description.
- Extend the duration of Commitment 18 beyond five years. Charter's presence and obligations in New York are permanent; its equal opportunity reporting should reflect that.
- Ensure that Charter's \$20 million investment in the apprenticeship program targets not only veterans but also uses targeted outreach and recruitment in underrepresented communities across New York and removes documented barriers to fair hiring and advancement, consistent with the EEOC's longstanding guidance on lawful equal opportunity practices.
- Require that Charter's description of "policies or activities" under Commitment 18 include active, operational measures to ensure non-discriminatory employment decisions, with measurable benchmarks, consistent with Charter's obligations under the NYSHRL and subject to enforcement by the Commission for any repeated failure to comply, consistent with the penalty framework already established in Commitment 15.

The Supplement shows that Charter is willing to make commitments to secure Commission approval. The question is whether those commitments are sufficient. For the 9,000 New Yorkers who work for Charter, the answer is not yet. We ask the Commission to require better.

¹³California Public Utilities Commission, "CPUC Approves Verizon Frontier Acquisition with Strong Consumer Protections and Oversight" (Jan. 15, 2026), available at <https://www.cpuc.ca.gov/news-and-updates/all-news/cpuc-approves-verizon-frontier-acquisition-with-strong-consumer-protections-and-oversight>.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lourdes M. Rosado". The signature is fluid and cursive, with a large initial "L" and a long horizontal stroke at the end.

Lourdes M. Rosado
President & General Counsel
LatinoJustice PRLDEF

A handwritten signature in black ink, appearing to read "Jason Solomon". The signature is cursive and somewhat compact, with a prominent "J" and "S".

Jason Solomon
Director
National Institute for Workers' Rights