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**REPORT TO THE BERNARDS TOWNSHIP COMMITTEE  
BY THE UTILITY ADVISORY TASK FORCE**

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**Members:**

Scott Guibord, Chair and Resident Member  
Todd Edelstein, Resident Member  
Michael Estrin, Resident Member  
Corey Fischer, Resident Member  
Donna Romano, Resident Member  
Priti Shah, Resident Member  
Janice Fields, Township Committee Liaison  
Pat Monaco, Township Administrator  
John Neiman, OEM Representative

**Approved by the Resident Members: December 16, 2021**

## **I. Introduction.**

Pursuant to the Bernards Township Committee Resolution #2020-0297 (9/29/2020) - Establishment of a Utility Advisory Task Force (“Task Force”), the mission of the Task Force is to:

“assess the level of communication and service from the utility companies providing services to Bernards Township, identify areas of concern and in need of improvement, suggest ways to collect and report chronic outages and disruptions, facilitate and/or coordinate resident feedback to the Board of Public Utilities, and represent Bernards Township customers before the BPU when appropriate....The Utility Task Force will report their findings and recommendations to the Township Committee no later than 6 months from inception”.

On January 5, 2021 the Township Committee appointed the Members of the Task Force. The Task Force held eleven meetings in 2021. Between meetings, the Resident Members were in constant communication with one another, completing their assignments and the work of the Task Force. On June 23, 2021 the Task Force submitted its Progress Report to the Bernards Township Committee with the understanding that it would thereafter submit this report with its findings and recommendations.

## **II. Task Force Activity**

As a result of known resident issues and concerns with Altice USA/Optimum (“Optimum”) internet service, the Task Force chose internet service as the first utility service to assess in Bernards Township (the “Township”). As its major initiative, to assist in the assessment, the Task Force conducted an internet survey (“Resident Internet Survey”) covering not only Optimum, but all internet service providers. The Resident Internet Survey also contained instructions on how to communicate internet service concerns to Optimum and Verizon and file complaints with the New Jersey Board of Public Utilities (“BPU”) and Federal Communications Commission. A copy of the Resident Internet Survey is attached as Exhibit 1. The Task Force thereafter did an extensive review and analysis of the survey results and developed programs and tools to present the results provided with this report. In order fulfill its mission regarding utility companies providing service in the Township and reporting its findings and recommendations to the Township Committee, the Task Force received in-person presentations by representatives from the New Jersey American Water Company (“NJAWC”), Public Service Electric & Gas Company (“PSE&G”), Jersey Central Power & Light Company (“JCP&L”), the Bernards Township Sewerage Authority, Verizon New Jersey, Inc. (“Verizon”) and Optimum.

## **III. Findings and Recommendations**

### **JCP&L**

Based on information provided during the JCP&L presentation, the Task Force recommends that the Township Committee:

- 1) notify residents (such as through RAVE) of the importance of every customer reporting an electrical outage, for as more customers report a particular outage, the higher the restoration priority becomes for JCP&L.

- 2) notify residents (such as through Rave) that, for the purpose of reporting concerns regarding the condition of or an event involving a utility pole, poles marked with a BT or VZ tag are owned by Verizon, and poles marked with a JC tag are owned by JCP&L; and that the customer service number for making such reports is 800-837-4966 for Verizon and 888-544-4877 for JCP&L.
- 3) notify residents (such as through Rave) that the website for reporting vegetation or tree issues is:

[https://www.firstenergycorp.com/service\\_requests/report-lighting-problem.html](https://www.firstenergycorp.com/service_requests/report-lighting-problem.html)

And that the website for reporting streetlight or outdoor area light issues is:

[https://www.firstenergycorp.com/service\\_requests/report-lighting-problem.html](https://www.firstenergycorp.com/service_requests/report-lighting-problem.html)

- 4) require street light outage notifications to be a part of the Bernards Township Police Department's ("BTPD") regular patrol duties during the night shift.

The Township pays JCP&L a fee for the street lights whether they are working or not. The BTPD is the only Township Department that works during the evening hours when nonoperational street lights can be observed, so it is appropriate for street light outage reporting to be part of evening patrol duties. The BTPD can decide how they want to collect and report street light outages, either by calling them into Central Dispatch during their shift or documenting them at the end of their shift and then reporting them to JCP&L by phone or through the JCP&L website.

### **All Utilities**

Based on the information provided during the NJAWC, PSE&G, JCP&L, Verizon and Optimum presentations, the Task Force recommends that the Township Committee notify residents (such as through RAVE) of the importance of registering/signing up on the utility websites to, among other things, receive automated customer communications and alerts, report service issues and outages, access outage information and restoration updates and access other customer account information.

Based on the discussions during Verizon's presentation regarding the provision of internet service to new land development, the Task Force recommends that the Township Committee revise Section 21-26 entitled "Utilities" of the Land Development Ordinance to include internet service such that development applications demonstrate that the development will be served by internet service in compliance with that Section and that a written instrument from each servicing internet provider evidence full compliance or intended full compliance with the provisions of that Section.

## **The Internet - Altice USA/Optimum**

As a result of the corona virus pandemic, the internet has become, and will forever remain, an essential and critical technology for teaching our children and college students, conducting our work and businesses, obtaining our goods and services and generally socializing and communicating. Consequently, the Task Force upon formation chose internet service as the first utility service to assess. The Task Force developed the Resident Internet Survey to obtain resident input on internet utility service. Residents were notified of and instructed on the survey through Patch, the Bernardsville News, Rave Alert, TAPinto Basking Ridge, What's App groups, the Township website, the Friday School Folder, and resident associations in The Cedars and the Hills. The automated survey remained available for residents to complete on the internet from May 20<sup>th</sup> through June 9<sup>th</sup>. Members of the Task Force also registered for and listened in on the five-hour New Jersey Board of Public Utilities public hearing on Altice/Optimum Internet service during which numerous residents and officials from municipalities expressed their concerns and complaints.

Specifically, on February 17, 2021, the BPU initiated an investigation into the adequacy of internet service provided by Altice USA, Inc/Optimum ("Optimum"). The BPU and the Office of Cable Television and Telecommunications ("OCTV&T") received numerous complaints and inquiries from at least ten (10) municipalities and several state legislators concerning various issues their residents and constituents are experiencing regarding the service provided by Optimum, including but not limited to frequent and lengthy service disruptions (across all services), inconsistent connections and fluctuating Internet speeds, long telephone wait times, poor customer service, and an inability to receive satisfactory responses to these complaints from the company both before and after the COVID-19 pandemic. Both the customers and municipal representatives collectively maintained that Optimum has failed in its duty to provide safe, adequate and proper service to their residents. The BPU and the OCTV&T also received complaints directly from Optimum customers concerning the same issues presented by the municipalities. See *In the Matter of Request for an Investigation into the Operations of Altice USA in New Jersey*, BPU Dkt. No. CX21020139, dated February 17, 2021. On March 16<sup>th</sup> the BPU held a five-hour public hearing in the matter during which over three hundred (300) participants were in attendance and approximately sixty (60) speakers expressed the varying experiences they have had regarding the services provided by Optimum. As a result of that hearing, on April 27, 2021 the BPU ordered Optimum to respond to twenty-four (24) Information Requests by May 27, 2021. A copy of that Order is attached as Exhibit 2. The BPU matter is still pending and nothing more appears on the BPU website at this time.

The Resident Internet Survey conducted by the Task Force revealed, among other things, the same complaints, issues and areas of concern with Optimum internet service in the Hills as those the municipalities and customers expressed during the BPU hearing. The Optimum pie charts and comment summary developed by the Task Force from the Resident Internet Survey are attached as Exhibit 3. Forty percent (40%) of all the Township survey responses came from residents of the Hills. The Task Force has provided Exhibit 3 to the Hills Home Owners Associations ("HOA's"), Optimum's Area Director, Government Affairs and posted it on its website.

It should be noted that while some Hills residents through the Resident Internet Survey expressed a desire for Verizon to install FIOS internet service in the Hills for better service,

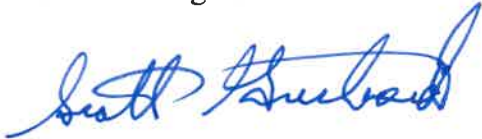
Verizon has made it clear that it has no plan to do so. It is important to note the remarkable difference in the level of resident satisfaction with Verizon internet service (Exhibit 3 - page 1) and Optimum internet service (Exhibit 3 - page 2). Of the 142 Verizon customers in the Township who responded, only 12% were either dissatisfied (9.9%) or very dissatisfied (2.1%) with their internet service. Of the 316 Optimum customers in the Township who responded, 57.2% were either dissatisfied (32.1%) or very dissatisfied (25.1%) with their internet service. Of the 181 Optimum customers in the Hills section of the Township who responded (Exhibit 3, page 3), 70.7% were either dissatisfied (34.8%) or very dissatisfied (35.9%) with their service.

On November 22 Optimum's Area Manager, Government Affairs, Sr. Director of Construction and Director of Field Operations made a presentation to the Task Force regarding Optimum's internet service in the Hills and Optimum's proposal to improve that service by installing fiber optic throughout the Hills. The representatives addressed a variety of project issues including the need to meet with the numerous HOA's and have them approve the project in order for Optimum to have the rights necessary to install the fiber in private roads and on private property. Optimum representatives intend to begin those meetings this month and, if all goes well, Optimum could begin the installations in the early spring of 2022 and complete the project in six to eight weeks.

Consequently, the Task Force recommends that the Township Committee:

- 1) monitor (or intervene in) the Optimum BPU proceeding on behalf of residents,
- 2) share the results of the Resident Internet Survey with the BPU,
- 3) appoint a township representative to work with Optimum's regional management, the Hills HOA's and the Hills Highlands Master Association regarding Optimum's installation of fiber internet service in the Hills,
- 4) begin discussions with Verizon about having FIOS internet service installed throughout the Hills, and
- 5) write a letter to the appropriate executives of Verizon and Optimum requesting the installation of fiber internet service throughout the rest of the Township.

The Task Force commends the Township Committee for its continuing effort to ensure safe, adequate and reliable utility service for all residents throughout the Township and presents these findings and recommendations to the Township Committee for appropriate action.



Scott Guibord, Chairman  
Bernards Township Utility Advisory Task Force

# Exhibit 1

## Resident Internet Survey

# Task Force Survey Opening Statement

**\* Required**

## Opening Statement

The Bernards Township Utility Advisory Task Force takes your submissions seriously as we seek to improve broadband speed and service throughout Bernards Township. Your submissions will remain confidential and no personal information will be shared with outside third parties. On behalf of the Utility Advisory Task Force, we sincerely thank you for your candid submissions and look forward to working on behalf of Bernards Township Residents.

To communicate concerns about your internet service, you may contact:

Verizon Fios / DSL

Phone: 1-800-837-4966

Internet: <https://www.verizon.com/support/residential/contact-us/contactuslanding.htm>

Optimum/Altice

Phone: 866-347-4784

Internet: <https://www.optimum.net/support/contact-us>

You may also file a regulatory complaint with the:

New Jersey Board of Public Utilities

<https://www.state.nj.us/bpu/assistance/complaints/inquiry.html>

Federal Communications Commission

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Bernards Township, NJ

## Utility Advisory Task Force Survey

1. First Name \*

2. Last Name \*

3. Home Address Street Number \*

ex. 123

4. Home Address Street Name \*

ex. Main Street, Maple Avenue, etc.

5. Town \*

6. Zip Code

7. Resident of Bernards Township Since (Year) \*

8. Do you routinely lose internet during the week? If so, please describe how many times per week? \*

*Mark only one oval.*

- ☐ 0 times a week
- ☐ 1 - 3 times a week
- ☐ 4-6 times a week
- ☐ 5-7 times a week
- ☐ More than 7 times a week

9. If you routinely lose internet during the week, please describe approximately for how long in minutes



10. How would you currently rate your internet service with your provider? \*

*Mark only one oval.*

☐ Very Satisfied

☐ Satisfied

☐ OK

☐ Dissatisfied

☐ Very Dissatisfied

11. If you chose dissatisfied or very dissatisfied, please explain why.

12. How are you currently addressing grievances about your internet speeds and customer service, if applicable.

13. Who is your current internet service provider \*

*Mark only one oval.*

- ☐ Optimum/Altice *Skip to question 14*
- ☐ Verizon Fios *Skip to question 15*
- ☐ Verizon DSL *Skip to question 16*
- ☐ Other:

Optimum/Altice

14. Please choose what broadband speed package purchased under your current plan: \*

*Mark only one oval.*

- ☐ Optimum Internet 100 : 100 Mbps *Skip to question 18*
- ☐ Optimum Internet 300: 300 Mbps *Skip to question 18*
- ☐ Optimum Internet 500: 500 Mbps *Skip to question 18*
- ☐ Optimum Internet 1 Gig: 940 Mbps *Skip to question 18*
- ☐ Other:

Verizon Fios

15. Please choose what broadband speed package purchased under your current plan: \*

*Mark only one oval.*

- ☐ Verizon FIOS 200 Mbps *Skip to question 18*
- ☐ Verizon FIOS 400 Mbps *Skip to question 18*
- ☐ Verizon FIOS 1000 Mbps *Skip to question 18*
- ☐ Other:

## Verizon DSL

16. If you chose Verizon DSL in the question above, please specify your speed tier. (The range is typically from 0.50 Mbps to 15 Mbps). \*

*Skip to question 18*

## Other Service Providers

17. Do you receive internet services from a provider not specified above? If so, please explain below \*

## Internet Speed and Efficiency

An ethernet cable is a cord that connects from your computer directly to your wireless router and looks similar to a telephone cable.

18. Do you conduct regular speed-tests to determine the upload and download speeds of your internet service? If yes, select "yes," and use the information from your latest speed-test to answer the following questions. If no, select "no," and use the following link to complete a speed-test to answer the questions; <https://www.speedtest.net>. Please use an ethernet cable to connect your router to computer when completing the test. If performed using Wi-Fi, this test will not provide accurate results. We encourage you to submit this form multiple times to provide data throughout the week.

*Mark only one oval.*

☐ Yes

☐ No

## Test Connection Method

19. Did you use Wi-Fi or Ethernet to conduct the speed test?

*Mark only one oval.*

☐ Ethernet

☐ Wi-Fi

## Internet Speed

If possible, please provide the following information after your latest speed-test

20. Download Speed (Mbps)

21. Upload Speed (Mbps)

22. Time of Day Test Completed

*Example: 8:30 AM*

23. Day of Week Test Completed

*Example: January 7, 2019*

Follow  
Up  
Contact

Would you like to provide your contact information to the Utility Advisory Task Force in case we need additional information? If so, please complete the following fields.

**24. Home Phone Number**

ex. 123-456-7890

**25. Cell Phone Number**

ex. 123-456-7890

**26. Email Address**

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# Exhibit 2

NJBPU April 27, 2021 Order



Agenda Date: 4/27/21

Agenda Item: 3A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF REQUESTS FOR AN  
INVESTIGATION INTO THE OPERATIONS OF  
ALTICE USA IN NEW JERSEY

) ORDER  
)  
) DOCKET NO. CX21020139

**Parties of Record:**

**Paul Jamieson, Esq.**, Altice USA, Inc.

**Stephanie A. Brand, Director**, New Jersey Division of Rate Counsel

**Elissa Grodd Schragger, Esq.**, **Director of Law and Township Attorney**, Hamilton Township

**Ronald A. Berutti, Esq.**, Weiner Law Group, LLP, on behalf of the Borough of Sayreville

**Dawn M. Sullivan, Esq.**, Dorsey & Semrau, on behalf of the Township of West Milford

**Anthony R. Francioso, Esq.**, Fornaro Francioso LLC, on behalf of the Township of  
Robbinsville

**Gerard Lederer, Esq.**, Best Best & Kriegler LLP, on behalf of the Township of Piscataway

**Jean L. Cipriani, Esq.**, Rothstein, Mandell, Strohm, Halm & Cipriani, P.A., on behalf of the  
Boroughs of Seaside Heights and Seaside Park

**Fred Semrau, Esq.**, Dorsey & Semrau, on behalf of the Township of Montville

**Gregory P. McGuckin, Esq.**, Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors, on  
behalf of the Township of Toms River

**Andrew Bayer, Esq.**, Pashman Stein Walder Hayden, PC, on behalf of the Township of Howell

**BY THE BOARD:**

On February 17, 2021, the Board of Public Utilities ("Board") initiated an investigation<sup>1</sup> into the adequacy of service provided by Altice USA, Inc. ("Altice" or "the Company"). The Board and the Office of Cable Television and Telecommunications ("OCTV&T") received numerous complaints and inquiries from at least ten (10) municipalities<sup>2</sup> and several state legislators concerning various issues their residents and constituents are experiencing regarding the service provided by Altice, including but not limited to frequent and lengthy service disruptions (across all services), inconsistent connections and fluctuating Internet speeds, long telephone wait times, poor customer service, and an inability to receive satisfactory responses to these

<sup>1</sup> See *In the Matter of Request for an Investigation into the Operations of Altice USA in New Jersey*, BPU Dkt. No. CX21020139, dated February 17, 2021.

<sup>2</sup> Boroughs of Dunellen and Sayreville, and the Townships of Green Brook, Hamilton, Howell, Jackson, Montville, North Brunswick, Piscataway, and Robbinsville.

complaints from the company both before and after the COVID-19 pandemic. Both the customers and municipal representatives collectively maintain that Altice has failed in its duty to provide safe, adequate and proper service to their residents. The Board and the OCTV&T have also received complaints directly from Altice customers concerning the same issues presented by the municipalities.

Upon review of the many complaints from municipal and government officials requesting an investigation and intervention in this matter, the Board found sufficient cause to convene a public hearing to afford both officials and Altice customers the opportunity to voice their concerns about the services received from Altice; as well as afford the company the opportunity to respond to these concerns before determining what corrective action may be warranted and should be taken in this matter.<sup>3</sup>

During the public hearing conducted on March 16, 2021, over three hundred (300) participants were in attendance and approximately sixty (60) speakers expressed the varying experiences they have had regarding the services provided by Altice. Detailed encounters were provided with regard to the lack of competition, untrained customer service staff, long hold times, persistent outages, service plan coverage, inadequate repairs, non-compliance with merger conditions resulting from Altice's acquisition of Cablevision and overall dissatisfaction with the services provided.

Following the public hearing, Staff reviewed over three hundred (300) comments and/or complaints submitted by Altice customers which outlined in detail the magnitude of the issues experienced which spanned the entire footprint of the service territory covered by Altice. Said complaints concerned issues in the following categories:

Number	Type
219	No competitive option
255	Slow internet speeds
222	Not receiving the internet speed contracted
118	Service inadequacies
78	Outages
146	Equipment failure
264	Dropped or spotty service
251	High service fees
13	Unauthorized charges
104	Inability to reach a live operator
157	Extended hold times
92	Multiple technician visits
312	Other

### **Regulatory Authority**

The overarching issue before the Board is the question of whether the Company has fulfilled its obligations under the statutes governing cable operations within the state. As provided under

<sup>3</sup> Pursuant to the Order issued by Presiding Commissioner Mary-Anna Holden in this matter dated March 15, 2021, the Townships of Robbinsville, Hamilton, Montville, and Howell, and the Boroughs of Seaside Heights and Seaside Park were granted Intervenor status; and the Townships of West Milford, Piscataway, and Toms River, and the Borough of Sayreville were granted Participant status in this proceeding.



N.J.S.A. 48:5A-36, it is the duty of all cable television companies to provide safe, adequate and proper service, equipment and facilities for the operation of its cable television system.

In the exercise of its authority, the Board, and the Director of the OCTV&T, pursuant to N.J.S.A. 48:5A-9, have authority and jurisdiction including but not limited to:

- a. Receive or initiate complaints of the alleged violation of any of the provisions of the Cable Television Act ("Act") N.J.S.A. 48:5A-1 *et seq.*, or any of the rules and regulations made pursuant to the Act or of the terms and conditions of any municipal consent granted pursuant to the Act; and for this purpose and all other purposes necessary to enable the Director to administer the duties of the office as prescribed by law may hold hearings and shall have power to subpoena witnesses and compel their attendance, administer oaths and require the production for examination of any books or papers relating to any matter under investigation at any such hearing. . . .
- d. Institute all proceedings and investigations, hear all complaints, issue all process and orders, and render all decisions necessary to enforce the provisions of the Act; of the rules and regulations adopted thereunder, or of any municipal consents issued pursuant to the Act.

In addition, as provided in N.J.A.C 14:18-3.3 each cable television company shall, upon request, furnish its customers with such information as is reasonable, in order that the customers may obtain safe, adequate, efficient and economical service. Also applicable are the rules promulgated by the Federal Communications Commission ("FCC") regarding customer service obligations, as outlined in 47 C.F.R. § 76.309, which set forth additional standards cable operators must meet in the provisioning of service.

Furthermore, the aforementioned State and Federal rules are supplemented by commitments and conditions set forth by Order of the Board wherein an entity seeks approval or relief from the agency. In this instance, the Board's Order *I/M/O the Verified Joint Petition of Altice N.V. and Cablevision Systems Corporation and Cablevision Cable Entities for Approval to Transfer Control of Cablevision Cable Entities*, Docket No CM15111255 dated May 26, 2016, and the terms and conditions outlined therein guide the matter herein.

### **Merger Conditions and Obligations**

In its merger petition<sup>4</sup> before the Board seeking approval and in responses to discovery, Altice asserted that the transaction will serve the public interest by promoting New Jersey customers' access to innovative, high-quality services at just and reasonable rates. Altice further contended that the merger would result in the Company: (a) investing heavily in and improving CCE NJ's network by pushing fiber deeper into the network, thereby eliminating active components in order to achieve lower failure rates; (b) introducing newer, more reliable, and more consumer-friendly customer premises equipment; and (c) investing in IT infrastructure and replacing legacy IT systems with more robust, easier-to-manage platforms, which will reduce

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<sup>4</sup> By verified Petition filed on November 5, 2015, Altice N.V. ("Altice"), Cablevision Systems Corporation ("Cablevision"), and the Cablevision Cable Entities ("CCE") ("Cable Petitioners"), initiated a proceeding before the Board of Public Utilities ("Board"), pursuant to N.J.S.A. 48:5A-38 (Docket No. CM15111255). Altice, Cablevision, Cablevision Lightpath-NJ, LLC, and 4Connections, LLC concurrently also filed a separate verified Petition, pursuant to N.J.S.A. 48:2-51.1 and N.J.A.C. 14:1-5.14 requesting approval of the transfer of control to Altice of Lightpath and 4Connections, both indirect wholly-owned subsidiaries of Cablevision, and approval for Lightpath to participate in the financing pursuant to N.J.S.A. 48:3-9, and N.J.A.C. 14:1-5.9. (Docket No. TM15111256).

operational complexity and enable the company to better serve customers through improved service provisioning, billing, and incident management. Over time, as network reliability and IT infrastructure improves, Altice promised to redeploy resources as needed to ensure continued reliable service. Altice further stated that by providing access to Altice's larger scale, operational expertise, and capital resources, the transaction would allow the Company to build on its position as an innovative and dynamic competitor in the broadband, video and telecommunications markets and provide New Jersey consumers in the territory with a more robust competitive option for these services. The "additional scale" of Altice, it asserted, placed the merged company in a better negotiating position with suppliers and also enabled Altice to eliminate duplicative costs, and spread the fixed cost of developing additional innovative and competitive service offerings across a larger subscriber base not previously available.

In addition, Altice described the transaction once consummated would enhance the ability of Company and its subsidiaries to compete in the telecommunications marketplace in New Jersey through network investment, consumer-focused products and services, and innovative pricing and packaging, thus promoting competition and customer choice. Altice emphasized its intent to focus on providing world-class broadband Internet connectivity, video and voice service and accordingly would be fully committed to investing in the Company's network and offering New Jersey consumers the best quality and value in broadband Internet connectivity and video programming choices. In addition, Altice argued during the merger review that the transaction would serve to reduce vertical integration in distribution and programming while posing no horizontal harms, and would cause no competitive harms since no overlap was created between competing cable providers. Finally, Altice highlighted throughout the review that the merger provided a positive benefit as the transaction would result in a combined company that enabled enhanced efforts to increase broadband connectivity and Wi-Fi service deployment and over-the-top video services.

The merger filing resulted in a Stipulation of Settlement which included several conditions and obligations adopted by the Board upon its approval. Specifically, the Stipulation at page 5 provided for a Most Favored Nations Clause which states:

*"Within sixty (60) days following the Closing, the Joint Petitioners will provide Board Staff and Rate Counsel with a copy of the final Orders and Settlement Stipulations from any State or other jurisdiction under which conditions are imposed on the Joint Petitioners, along with an analysis indicating and explaining the valuation of the customer benefits awarded in that jurisdiction as compared to the valuation of the customer benefits awarded in New Jersey, in each case, calculated on a per customer basis.*

*In recognition of the risks to New Jersey of approving the Transaction before other jurisdictions, the Signatory Parties agree that in the event that the Joint Petitioners agree to and accept orders under which another state or jurisdiction obtains materially greater benefits in the aggregate than New Jersey pursuant to this Stipulation and order of approval, including but not limited to faster broadband speeds, more advantageous low-income broadband, low-cost broadband, network resiliency and improvement, employment commitments, or other per subscriber benefits, then New Jersey shall be protected because the Joint Petitioners shall provide equivalent benefits to New Jersey. The Joint Petitioners and Board Staff agree that the "most favored nation" provision ensures that the synergy savings associated with the Transaction are shared with New Jersey customers in a manner equivalent to that of other States or jurisdictions on a per subscriber basis and on the same time schedule as agreed or required in the State of New York."*

As part of the merger conditions, the Company also provided assurances in the Stipulation of Settlement that it will abide by applicable customer service standards, performance standards, and service metrics as delineated under N.J.A.C. Title 14, including but not limited to Chapters 3, 10 and 18, and N.J.S.A. 48:5A, including, but not limited to, requirements related to billing practices and termination.

Many of the complaints received question Altice's compliance with applicable regulations and the merger commitments agreed to by the Company in the Stipulation of Settlement. Based upon a review of the complaints received, and the concerns raised by multiple municipal officials and Altice customers, Staff, in order to evaluate the appropriate next steps in this investigation seeks the following information from Altice:

### **INFORMATION REQUESTS**

#### **Resiliency**

- 1) Please provide information evaluating the current condition of the Company's infrastructure and its ability to provide reliable service to its customers.
- 2) Provide a list of redeployed resources provided throughout the system to ensure continued reliable service for each of the years from 2016 through 2021.
- 3) Provide an outline of the expenditures made by the company for infrastructure improvements for each of the years from 2016 through 2021.

#### **Network Expansion**

- 1) Calculations of monetary expenditures related to network expansions in New Jersey for each of the years from 2016 through 2021.
- 2) How these expenditures compare to those provided in New York as part of the merger conditions.
- 3) Information evidencing how the company has pushed fiber deeper into the network from 2016 through 2021.
- 4) Provide a list of IT infrastructure improvements the Company initiated for each of the years from 2016 through 2021.

#### **Customer Care**

- 1) Provide the number of customer service representatives in New Jersey by location and total for each of the years from 2016 through 2021 broken down by in-house and contract employees.
- 2) Provide information concerning customer service satisfaction surveys undertaken by the company for each of the years from 2016 through 2021.
- 3) Data representing how often the company engages in customer service training and field office trainings, and provide a copy of all procedure documents, training materials and

evaluation criteria used to instruct and measure employee knowledge of company procedures and fitness to perform their assigned work

- 4) How often are internet speed tests performed, at what location(s) they are taken and what findings have been rendered.
- 5) Provide data regarding field operations throughout the service territory from 2016 through 2021, including, but not limited to, the number of service calls conducted by system and total by year, number of repeat or multiple service calls conducted to address the same or similar problem by system and total by year, the number of service calls handled by system and total by year broken down by in-house employees and contractors, the number of service calls by system and total by year that resulted in a referral for outside plant work, the frequency which all such work is inspected and evaluated by the company for appropriateness and proper completion of the work performed.
- 6) Provide data regarding the process used in vetting and evaluating the experience and ability of contractors to perform all field assignments including the minimum standards necessary for a contractor to be approved to perform the field work assigned.
- 7) Provide data concerning the training and evaluation of in-house and contract field staff, including a copy of any and all standards imposed, training materials, and methods of testing and evaluating the success of the training, as well as the fitness of the staff to perform assigned field work.

#### **Low Cost Broadband**

- 1) Provide a per subscriber calculation of the low cost broadband benefit prescribed for each New Jersey customer.
- 2) How do the New Jersey program expenditures compare to the low cost broadband program expenditures in New York?

#### **Free Broadband to Anchor Institutions**

- 1) The number of New Jersey organizations receiving free broadband since the merger.
- 2) How does the number of New Jersey organizations compare to the forty (40) locations added in New York as part of the merger agreement?

#### **New Technology**

- 1) What steps has the Company taken to avail its customers of the technological advances impacting the services offered?
- 2) What new technology upgrades and network investments have been made since 2016?
- 3) List enhanced efforts to increase broadband connectivity and Wi-Fi service deployment and over-the-top video services employed from 2016 through 2021.

**Company Expenditures – Customer Service & Plant Maintenance**

- 1) What was the total customer service expense by year, from 2016 through 2021?
- 2) What was the total Field Service expense by year, from 2016 through 2021?
- 3) What was the total plant maintenance expense by year, from 2016 through 2021?

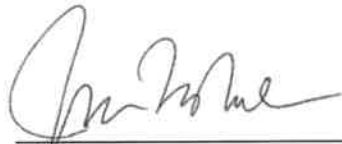
**DISCUSSION**

Careful consideration has been given to the complaints submitted and the comments and concerns of the Intervenor and Participants in this matter. Accordingly, the Board **HEREBY ORDERS** that Altice provide responses to the above cited requests within thirty (30) days of the date of this order. Upon receipt and analysis of the aforementioned data, the Board will evaluate the appropriate action with respect to enforcement of existing rules and regulations governing the services provided and what measures are necessary to ensure the continued provision of safe, adequate and proper services are rendered throughout the state.

The Order is effective on April 27, 2021.


DATED: April 27, 2021

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT


  
\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
COMMISSIONER

  
\_\_\_\_\_  
UPENDRA J. CHIVUKULA  
COMMISSIONER

  
\_\_\_\_\_  
ROBERT M. GORDON  
COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
AIDA CAMACHO-WELCH  
SECRETARY

**IN THE MATTER OF REQUESTS FOR AN INVESTIGATION INTO THE OPERATIONS OF  
ALTICE USA IN NEW JERSEY - DOCKET NO. CX21020139**

**SERVICE LIST**

**Altice USA**

Marilyn D. Davis  
Area Director, Government Affairs  
Altice USA  
494 Broad Street, 9<sup>th</sup> Floor  
Newark, New Jersey 07102  
[Marilyn.Davis16@AlticeUSA.com](mailto:Marilyn.Davis16@AlticeUSA.com)

Paul Jamieson, Vice President  
Government Affairs & Policy  
Altice USA  
1 Court Square West, 49th Fl  
Long Island City, NY 11101  
[paul.jamieson@AlticeUSA.com](mailto:paul.jamieson@AlticeUSA.com)

**Division of Rate Counsel**

140 East Front Street, 4th Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Stefanie A. Brand, Esq., Director  
[sbrand@rpa.nj.gov](mailto:sbrand@rpa.nj.gov)

Maria Novas-Ruiz, Esq.  
[mnovas-ruiz@rpa.nj.gov](mailto:mnovas-ruiz@rpa.nj.gov)

**Division of Law**

Department of Law and Public Safety  
Richard J. Hughes Justice Complex  
25 Market Street, Post Office Box 112  
Trenton, NJ 08625

Pamela Owen, Esq., ASC, DAG  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

Meliha Arnautovic, Esq., DAG  
[Meliha.Arnautovic@law.njoag.gov](mailto:Meliha.Arnautovic@law.njoag.gov)

Gregory McGuckin, Esq.  
Dasti, Murphy, McGuckin, Ulaky, Koutsouris &  
Connors  
620 West Lacey Road  
Forked River, NJ 08731  
[gmcguckin@dmmlawfirm.com](mailto:gmcguckin@dmmlawfirm.com)

**Board of Public Utilities**

44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Paul Flanagan, Executive Director  
[paul.flanagan@bpu.nj.gov](mailto:paul.flanagan@bpu.nj.gov)

Robert Brabston, Dep. Executive Director  
[robert.brabston@bpu.nj.gov](mailto:robert.brabston@bpu.nj.gov)

**Office of Cable Television and  
Telecommunications**

Lawanda R. Gilbert, Director  
[lawanda.gilbert@bpu.nj.gov](mailto:lawanda.gilbert@bpu.nj.gov)

William H. Furlong, Bureau Chief  
[william.furlong@bpu.nj.gov](mailto:william.furlong@bpu.nj.gov)

Amy Drummond, Admin. Analyst 4  
[amy.drummond@bpu.nj.gov](mailto:amy.drummond@bpu.nj.gov)

**Counsel's Office**

Abraham Silverman, Esq.  
General Counsel  
[abe.silverman@bpu.nj.gov](mailto:abe.silverman@bpu.nj.gov)

Carol Artale, Esq.  
Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Honorable Ronald S. Dancer  
Assemblyman – 12<sup>th</sup> District  
405 Route 539  
Cream Ridge, NJ 08514  
[asmdancer@njleg.org](mailto:asmdancer@njleg.org)

Jessica Morales  
Municipal Clerk  
Borough of Sayreville  
167 Main Street  
Sayreville, NJ 08872  
[jessica@sayreville.com](mailto:jessica@sayreville.com)

Janice Kisty  
Township Clerk  
Township of Jackson  
95 W. Veterans Highway  
Jackson, NJ 08527  
[jkisty@jacksontwpnj.net](mailto:jkisty@jacksontwpnj.net)

Honorable Brian C. Wahler  
Mayor  
Township of Piscataway  
Municipal Complex  
455 Hoes Lane  
Piscataway, NJ 08854  
[bwahler@piscatawaynj.org](mailto:bwahler@piscatawaynj.org)

Christopher Vaz  
Borough Administrator  
Borough of Seaside Heights  
901 Boulevard  
Seaside Heights, NJ 08751  
[Administrator@seaside-heightsnj.org](mailto:Administrator@seaside-heightsnj.org)

Elissa Grodd Schragger, Esq.  
Director  
Hamilton Township Department of Law  
2090 Greenwood Avenue  
Post Office Box 00150  
Hamilton, NJ 08650-0150  
[eschragger@hamiltonnj.com](mailto:eschragger@hamiltonnj.com)

Ronald H. Gordon, Esq.  
Rainone Coughlin Minchello  
555 U.S. Highway One South  
Suite 440  
Iselin, NJ 08830  
[RGordon@NJRCMLaw.com](mailto:RGordon@NJRCMLaw.com)

Honorable Patrick N. Bocchio  
Mayor  
Township of Green Brook  
111 Greenbrook Road  
Green Brook, NJ 08812-2501  
[pboccio@greenbrooktp.org](mailto:pboccio@greenbrooktp.org)

Ronald A. Berutti, Esq.  
Weiner Law Group  
629 Parsippany Road  
Post Office Box 0438  
Parsippany, New Jersey 07054  
[rberutti@weiner.law](mailto:rberutti@weiner.law)

Allison Ciranni  
Township Clerk  
Township of Howell  
4567 Route 9 North  
Post Office Box 580  
Howell, NJ 07731-0580  
[aciranni@twp.howell.nj.us](mailto:aciranni@twp.howell.nj.us)

Honorable Jason F. Cilento  
Mayor  
Borough of Dunellen  
355 North Avenue  
Dunellen, NJ 08812  
[jcilento@dunellen-nj.gov](mailto:jcilento@dunellen-nj.gov)

Anthony R. Francioso, Esq.  
Fornaro Francioso LLC  
1540 Kuser Rd, A1  
Hamilton, NJ 08619  
[afrancioso@fornarofrancioso.com](mailto:afrancioso@fornarofrancioso.com)

Fred Semrau, Esq.  
Dorsey & Semrau  
714 Main Street, Post Office Box 228  
Boonton, New Jersey 07005  
[fsemrau@dorseysemrau.com](mailto:fsemrau@dorseysemrau.com)

Jean L. Cipriani, Esq.  
Rothstein, Mandell, Strohm, Halm &  
Cipriani, P.A.  
150 Airport Road, Suite 600  
Lakewood, New Jersey 07801  
[JCipriani@rmshc.law](mailto:JCipriani@rmshc.law)

Dawn M. Sullivan, Esq.  
Dorsey & Semrau  
714 Main Street, Post Office Box 228  
Boonton, NJ 07005  
[dsullivan@dorseysemrau.com](mailto:dsullivan@dorseysemrau.com)

Gerard Lederer, Esq.  
Best Best & Kriegler  
1800 K Street N.W., Suite 725  
Washington, DC 20006  
[gerard.lederer@bbklaw.com](mailto:gerard.lederer@bbklaw.com)

Andrew Bayer, Esq.  
Pashman Stein Walder Hayden, PC  
101 Crawfords Corner Road, Suite 4202  
Holmdel, NJ 07733  
[abayer@pashmanstein.com](mailto:abayer@pashmanstein.com)

# Exhibit 3

## Resident Internet Survey Results



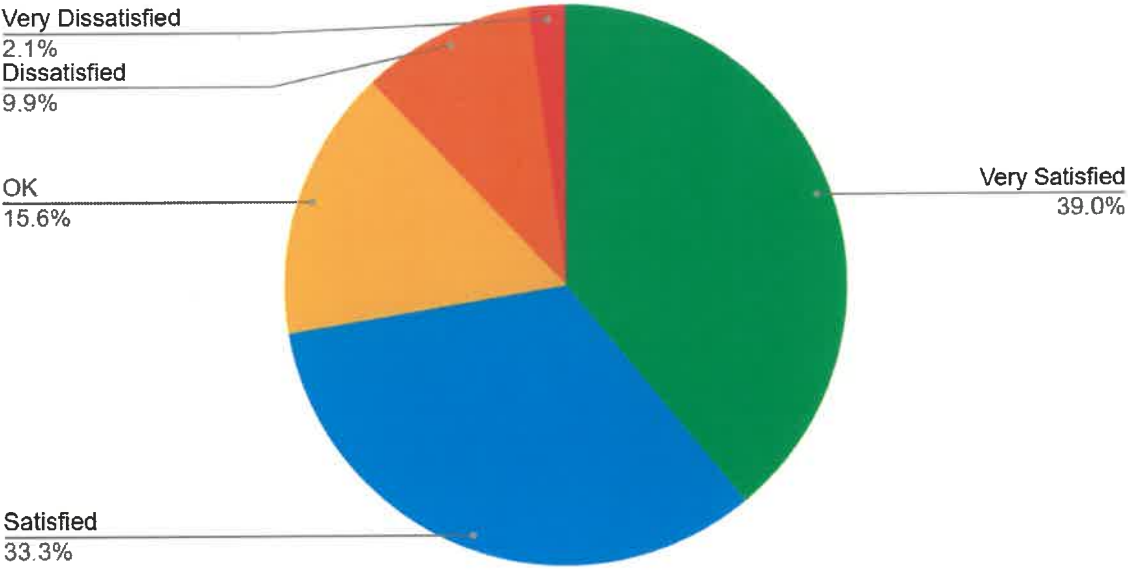
# BERNARDS TOWNSHIP UTILITY ADVISORY TASK FORCE

2021 Resident Internet Survey Results



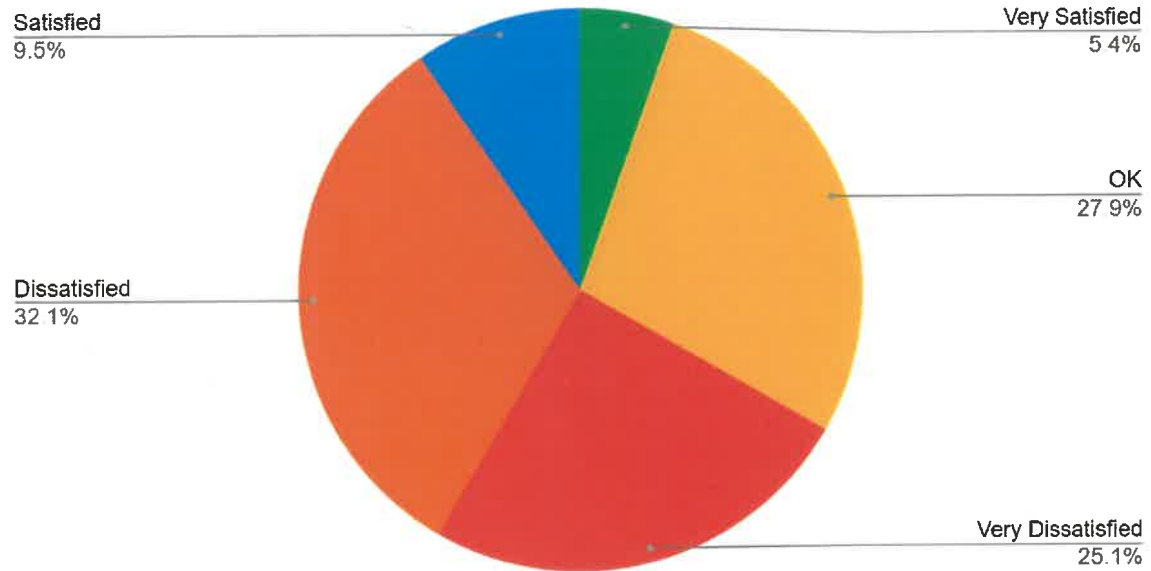
October 22, 2021

Bernards Township Verizon Fios Internet Satisfaction (142 Responses)



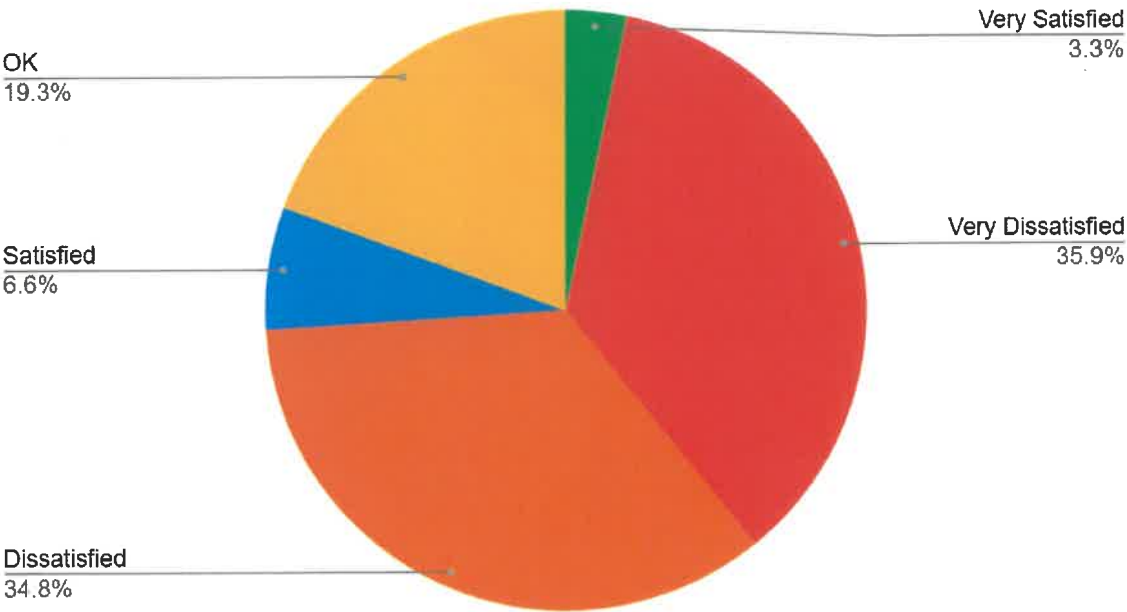
\*Describes issues with internet service, such as slow speed and frequent disconnection

## Bernards Township Optimum Internet Satisfaction (316 Responses)



\*Describes issues with internet service, such as slow speed and frequent disconnections

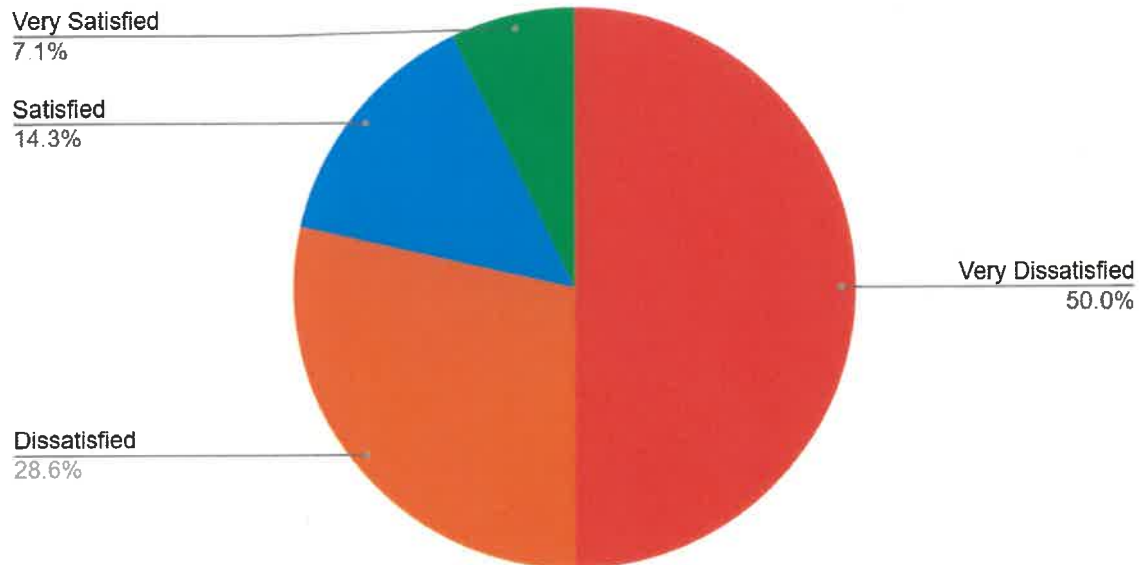
The Hills Optimum Internet Satisfaction (181 Responses)



Customer Service	27
Monopoly	18
Price	25
Quality*	99

\*Describes issues with internet service, such as slow speed and frequent disconnections

## Amherst Mews H.A. Optimum Internet Satisfaction (14 Responses)



Customer Service	5
Monopoly	1
Price	0
Quality*	5

\*Describes issues with internet service, such as slow speed and frequent disconnections

### Comments

Uploads speeds have been close to zero for over a year. Monthly charges are exorbitant.

Expensive but not good service

Extremely Poor latency, slow internet. I pay for upgraded speed, but wait time is so long

Service is very weak & slow and I am paying for higher speed

It's a monopoly. Too expensive. Prefers to have other choice like Verizon Fio.

Horrible customer service

Provider constantly denies the issue is at their end

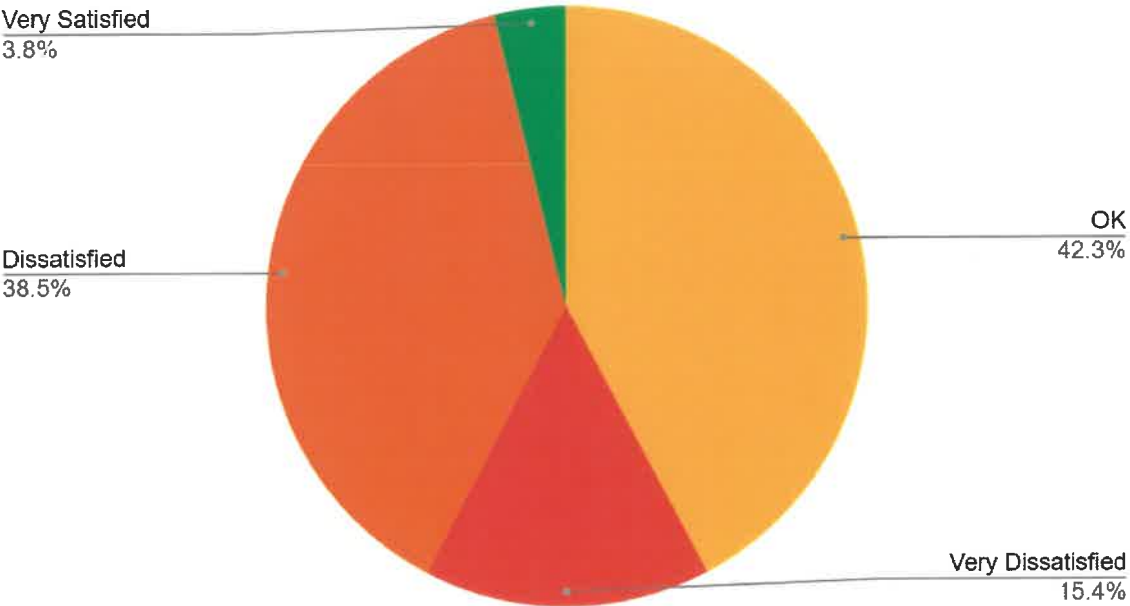
Frequent breaks in connection, band width issues and slow downs for no reason, and across different devices in the home at varying distances. This is not a wifi issue. I have used multiple wifi routers and direct Ethernet connection

Pay too much for slow speed

It's taken over a decade for Optimum to address their malignant infrastructure and service issues.

Extremely poor in reliable service. Company lies. Took about 1 year to address concerns. Spent weeks of personal time trying to correct with customer service. Spent over \$500 replacing equipment trying to resolve.

Carlisle Optimum Internet Satisfaction (26 Responses)



Customer Service	4
Monopoly	3
Price	2
Quality*	8

\*Describes issues with internet service, such as slow speed and frequent disconnections

### Comments

Routine dropped connection. The real speed that is received is nowhere close to the speed advertised and paid for.

Dropped connectivity, very poor TV quality on some channels, terrible Customer Service

They change rates without any notification, their customer service keeps you moving from one person to another.

Low speed intermittent outages

too expensive, no other choice

Too many problems with internet service interruptions and needing to re-boot equipment repeatedly each week.

Price is very high and customer service is very poor.

Speed, quality

They change rates without any notification, their customer service keeps you moving from one person to another.

Too expensive for seniors

Frequent outage/drop and low speed

Poor customer service. Little flexibility. Poor service.

Limited performance: they offer to sell 1Gbps then tell us we can get only 400Mbps; FIOS unavailable.

"Our Internet and Cable TV service are not stable/dependable. Internet goes in and out.

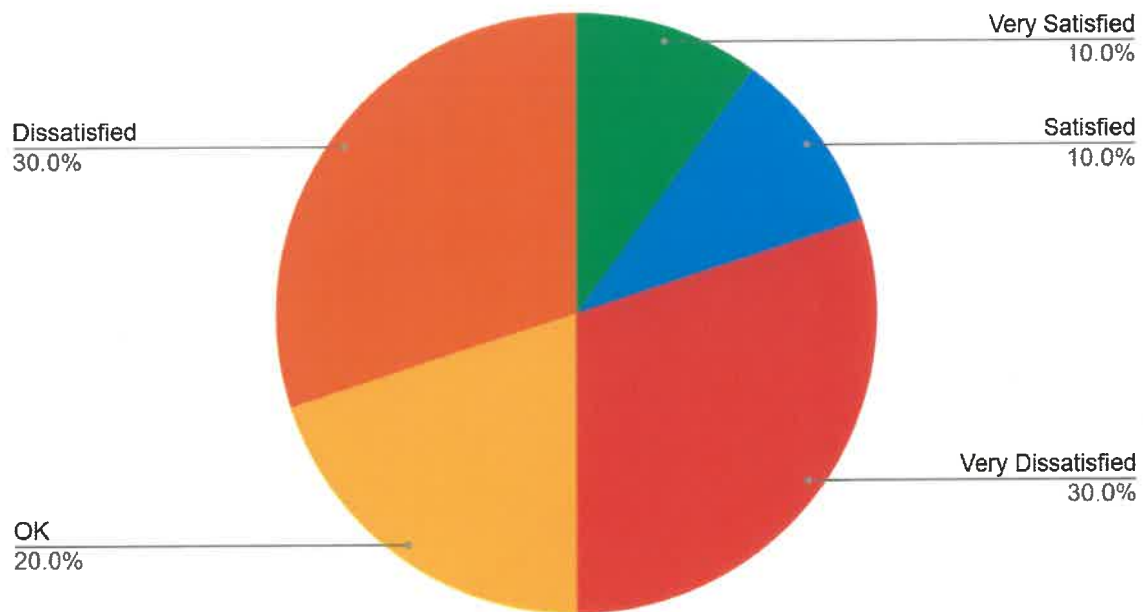
Optimums' prices keep going up and service going down. They are a monopoly and they know it, so not willing to do anything to improve service."

Optimum is a monopoly and we don't have a choice, so they care very little about improving their services.

Optimum is a monopoly and we don't have a choice, so they care very little about improving their services.



## Hamilton Crest Optimum Internet Satisfaction (10 Responses)



Customer Service	3
Monopoly	1
Price	4
Quality*	7

\*Describes issues with internet service, such as slow speed and frequent disconnections

### Comments

Very Poor Customer Service from Altice. That is what we get from a MONOPOLY.

Unreliable and slow. I upgraded to a more expensive plan but speed did not improve. Lose connection multiple times each day. \$93 per month for internet service is ridiculous.

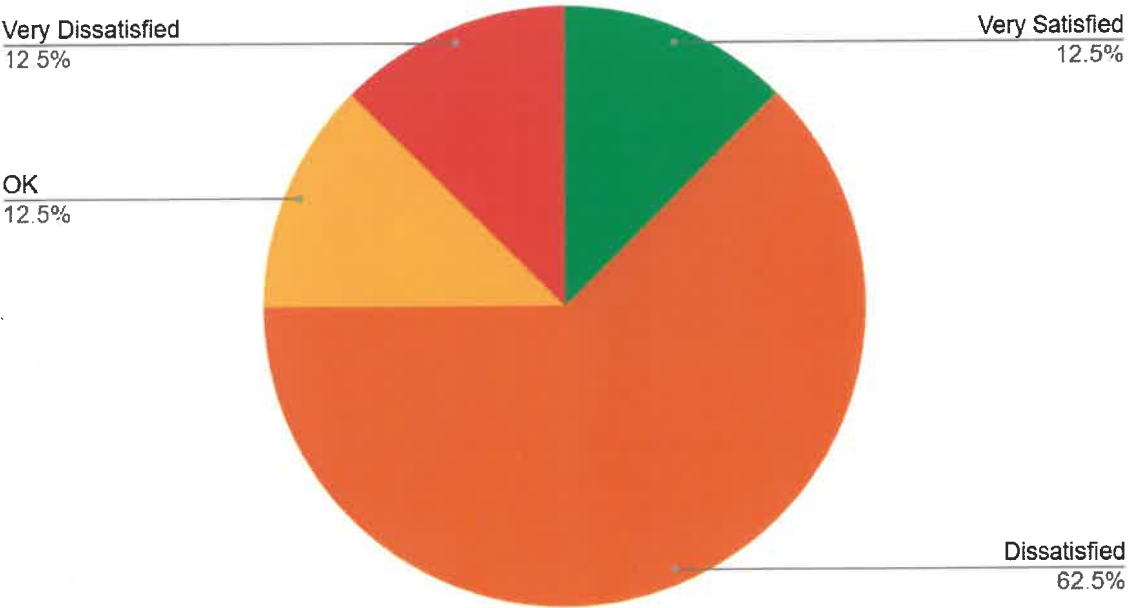
Too many issues with interrupted service

Every afternoon Internet has gone down. When I call Optimum, they send a refresh to my service and usually fixes it for some time. Customer service, tells me something different each time and try to schedule service tech which cost \$80

It's completely unreliable

Optimum/Altice provides poor customer assistance. My main gripes are that service is not only slow, but they have consistently expected me to set up/upgrade my own equipment, which I'm not really comfortable doing. Especially now that I am working at home for my full-time job, I do not want to have down time. Unsolicited, they sent me an "upgraded" router and told me to hook it up myself. Other people have tried to assist, and couldn't figure how to do it reliably -- this is my bread and butter they are asking me to risk. They told me they would charge me to come here and hook it up \_ I told them that the water company doesn't send a meter and tell me, "Good luck, lady." My cable television equipment could use an upgrade, and is also not operating at optimal levels. It is also infuriating that as they supposedly managed to improve internet speed, you are supposed to pay a premium. They need to keep up to date on a service for which (bundled) I am paying well over \$200 a month.

Hamilton Ridge Optimum Internet Satisfaction (8 Responses)



Customer Service	0
Monopoly	0
Price	1
Quality*	6

\*Describes issues with internet service, such as slow speed and frequent disconnections

### Comments

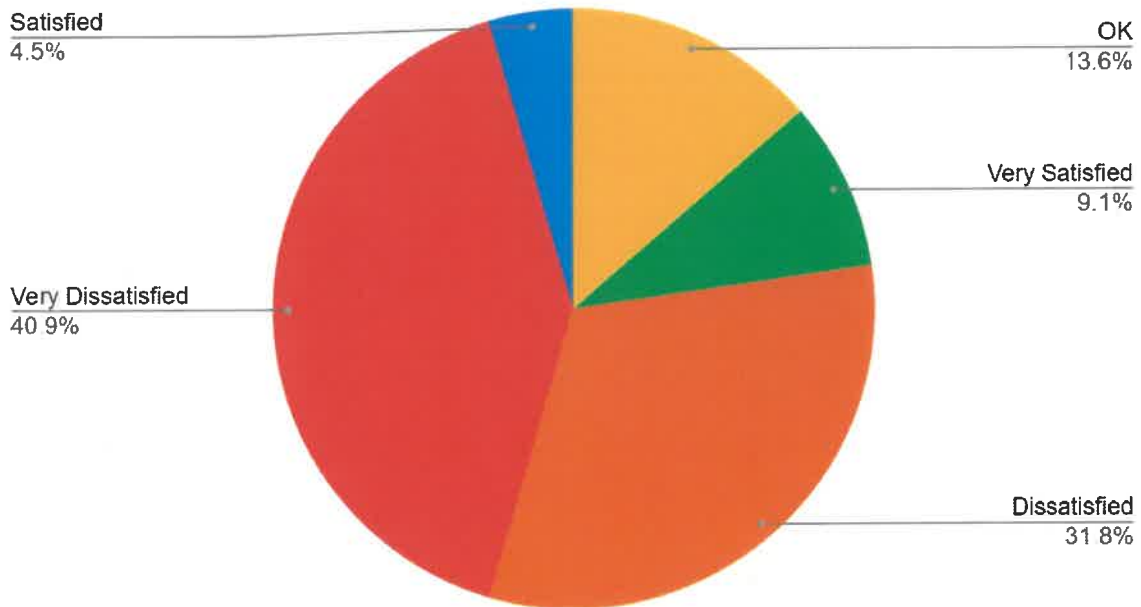
Speed of service is slow, quality is unreliable, and cost is too expensive.

I loose internet service for no apparent reason, I have had to replace my router twice within one year (2020).

When the internet goes out I may be in the middle of a client call which causes a lot of issues

There are frequent losses of connectivity without explanation

## Hamilton Woods Optimum Internet Satisfaction (22 Responses)



Customer Service	5
Monopoly	2
Price	4
Quality*	15

\*Describes issues with internet service, such as slow speed and frequent disconnections

## Comments

Problem losing internet especially when working at home

Losing internet connection doesn't take long and mostly instant, but it has a huge impact to daily work especially wfh - disconnect during meetings, during work on clouds, etc. I always need to have a backup hotspot in case of internet loss.

The speed is better than it was for a long time. However, the provider's services they provide to support the connection (e.g. help desk) is subpar. They are also aware that they are the only game in town so they are complacent and even arrogant at times.

In addition to frequent service loss, the speed often drops to a crawl. At the same time, Optimum "customer service" insists on pushing everyone to their higher speed service (for more money), claiming that they no longer offer slower service options, which is completely untrue.

Only provider. Extremely limited upload bandwidth. Cable TV low quality HD

Slow, expensive, not very reliable

I pay for 1 gb of service a month. I receive about 40 mbps on average. My speed is slow and constantly freezing while on calls. Streaming services also tend to freeze or drop due to lack of sufficient bandwidth despite paying for more than enough.

Internet keeps out!! See above.

The service is awful, customer service is no better and the price keeps going up as the service gets worse

Internet has gone out for extended periods of time compromising my ability to work; it often goes out on an almost daily basis for shorter periods of time and then reboots, disconnecting me from important meetings. Calling Optimum continuously and solutions tried have not fixed the problem

Too frequent disconnections whether during business hours or evenings

Price and reliability

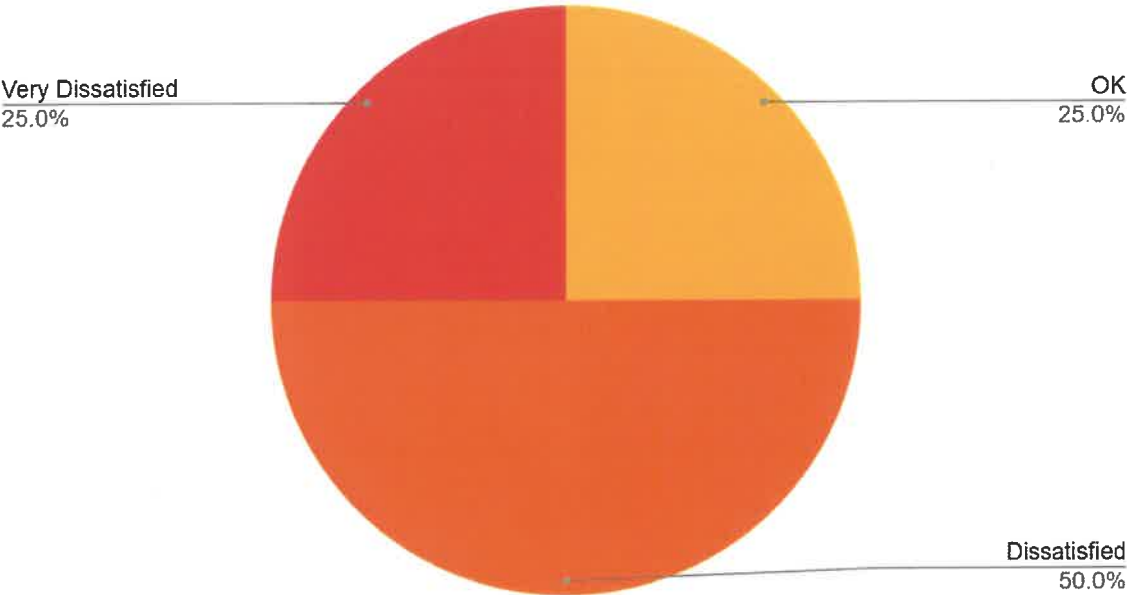
I have been working at home in our office and the internet always goes out and is very very slow. I keep upgrading and its costly and doesn't even help.

cable goes out during overnight period and cost is high

goes down constantly - no explanation provided by carrier - customer service never knows anything about what is happening - poor communications to customer - can't work effectively.

Too frequent disconnections whether during business hours or evenings

Independence Hill Optimum Internet Satisfaction (4 Responses)



Customer Service	0
Monopoly	0
Price	0
Quality*	3

\*Describes issues with internet service, such as slow speed and frequent disconnections

### **Comments**

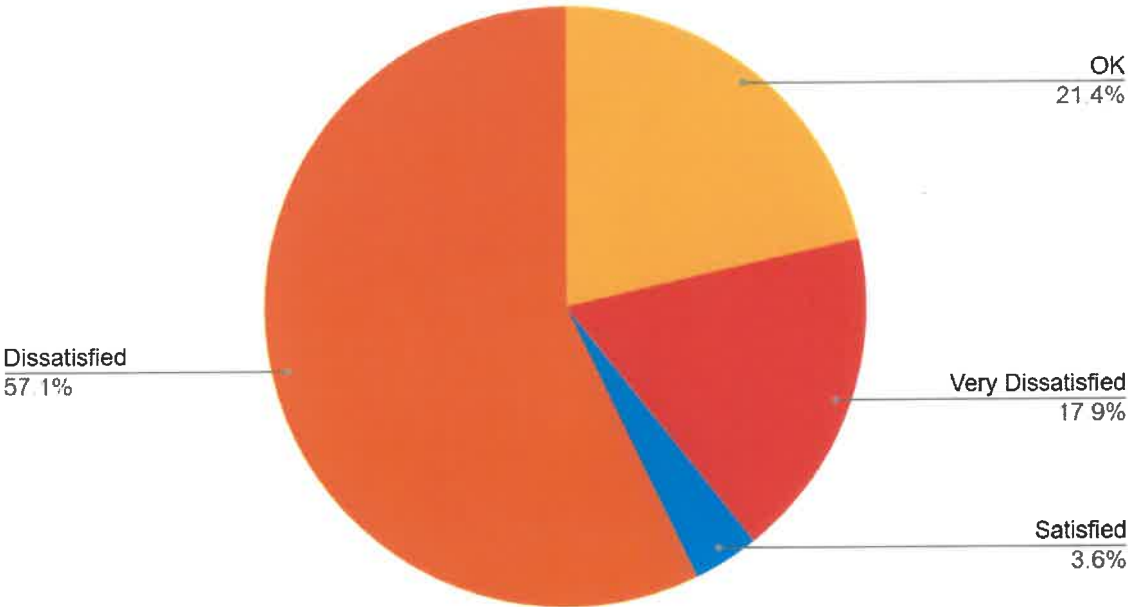
lose service, can't stream videos on Fridays or Saturday nights, has been getting worse over time

Internet is unreliable and impossible to work from home and Zooming just drops off in middle of a meeting! Embarrassing and unprofessional

We have two people working from home and the poor internet service routinely impacts work video calls even though we have upgraded to 400MB service and upgraded to a nest wifi router



Liberty Ridge Optimum Internet Satisfaction (28 Responses)



Customer Service	1
Monopoly	2
Price	5
Quality*	19

\*Describes issues with internet service, such as slow speed and frequent disconnections

### **Comments**

It is a monopoly for Optimum/Altice, since we have no choice of provider as a consumer.

Charge high (\$76 per month only for internet) and frequent net down in a day.

Slow internet speed.

Never reach the speed I subscript.

Huge impact on work meetings and with kids school zoom classes as kids are virtual.

Internet speed is fluctuates. Expensive. No reasonable price for gigabit speed

Speed, consistency and price. Would be great to have option for FIOS in our area. Its only limited to one service provider and this monopoly isn't helping residents!!

Internet service keeps dropping once or twice every-day now. The outage lasts for 5mins to more than 30 mins.

The internet is not stable

Huge impact on work meetings and with kids school zoom classes as kids are virtual.

Internet doesn't reach all areas of the house

slow and randomly loss connection

Too expensive. Unreliable

Slow speeds and frequent internet loss

It becomes very slow in between during the day many times.

The service is poor as we lost connection constantly

Slow, lose service

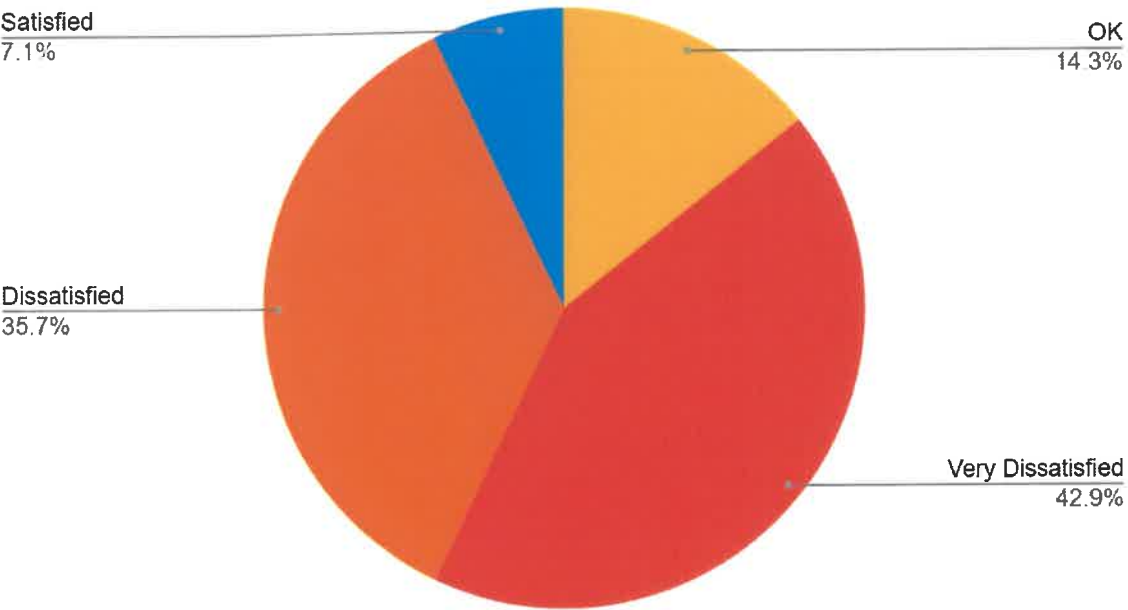
It's spotty and looks like a third world or developing country setup. Optimum needs to step up or town needs to provide alternatives

The speed is very low

price is not the issue for us, reliability is critical...

Expensive, Slow Internet, often loose channels on the cable TV, very bad customer service,.

Patriot Hill Optimum Internet Satisfaction (14 Responses)



Customer Service	3
Monopoly	2
Price	2
Quality*	8

\*Describes issues with internet service, such as slow speed and frequent disconnections

## Comments

Service interruption is constant.

### Outages

The service is slow even though we are paying for 2nd highest speed and there has been no noticeable improvement since they added nodes and did the work in our community. We usually lose connection 1-2 times a month for various periods of time. It is impossible to get a person on the phone at Optimum to discuss any internet issues and who can do anything to assist. I have problems with optonline email and can only get a customer service center that is likely out of the country and all they do is tell me they will pass on my concern and no one ever responds. We are beyond frustrated and would like other providers to service our area. Verizon does not service the hills so we are stuck with Optimum and they keep raising rates on top of poor service.

Seems to slow down from 12-2 and then frequently throughout week at other times.

On a 1GB plan, provided speed is typically 200MB. Upload speeds are not good enough for video conferencing.

Optimum has failed to troubleshoot problems. Charges fees to come out and does fix problem. Expensive. Horrible customer service.

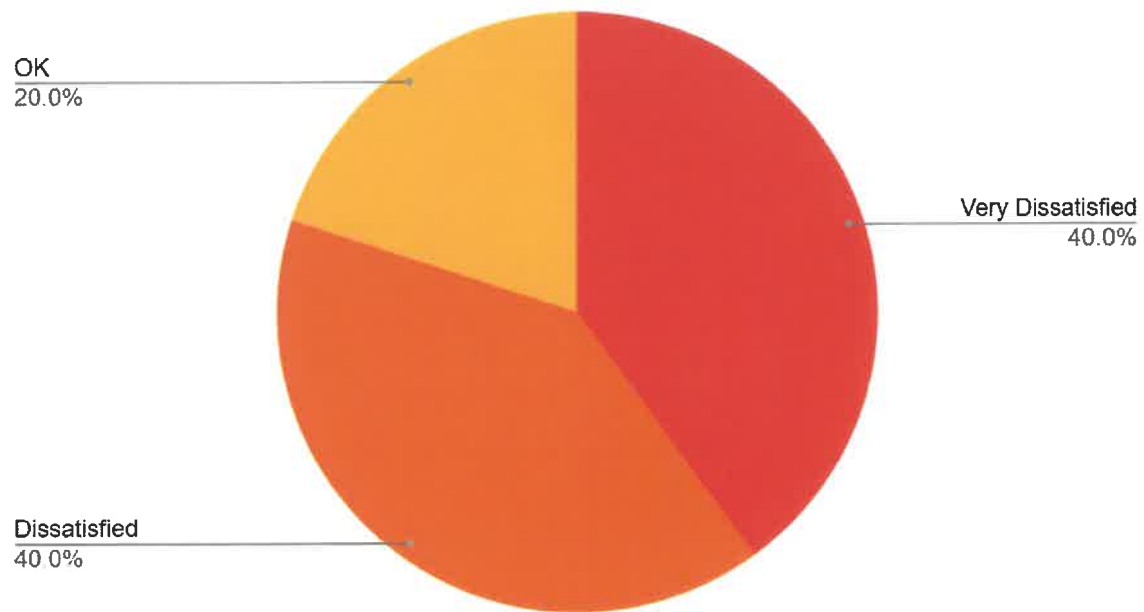
It is expensive and service is unsatisfactory losing internet service very often. This is due to the lack of competition since Optimum is the only internet provider company in my area.

Optimum has terrible service. Slow internet, random outages, high prices. I had failures in 2020 that took 3 months to resolve. Optimum reimbursed me for 2 weeks of outage. Phone Technicians often don't know how to resolve issues - they say "reboot" the router (which I do automatically since it happens so often)

Signal is weak and the meetings that I attend my voice breaks a lot when I talk, and I need to call from my cell phone to be able to talk clearly

Internet connection drops randomly. Upload speed is terrible. Download speed is not as advertised during peak hours

## Patriot Mews Optimum Internet Satisfaction (5 Responses)



Customer Service	0
Monopoly	1
Price	1
Quality*	3

\*Describes issues with internet service, such as slow speed and frequent disconnections

### **Comments**

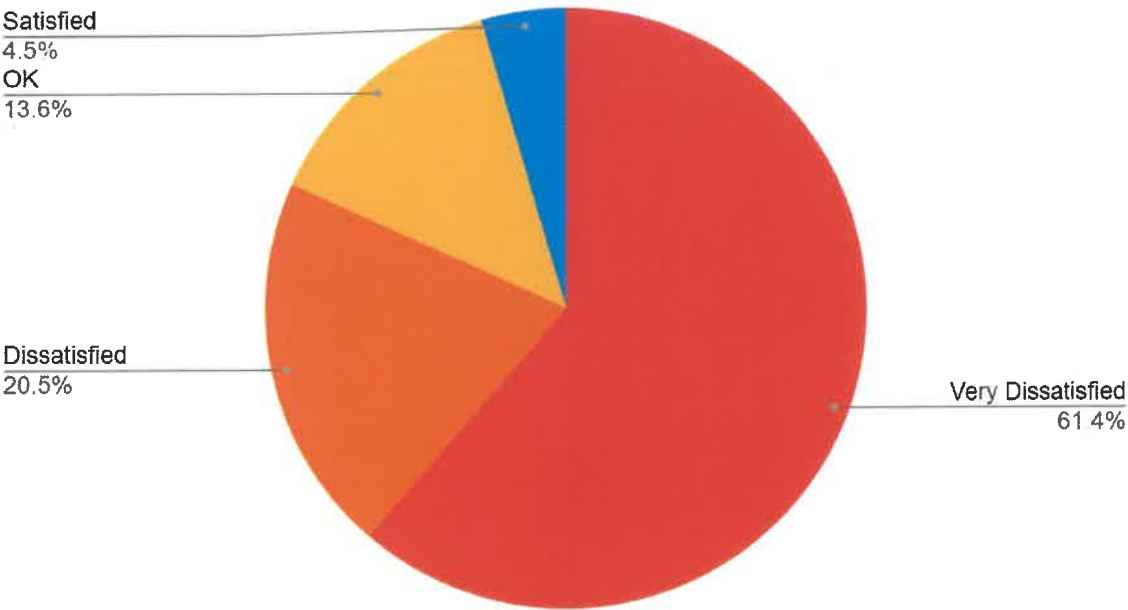
I pay a lot of money for the highest possible service that doesnt work

Quality of service is not good. We too often lose connectivity

Optimum is the ONLY high-speed internet option at my address and they know it too. We need to work from home due to the pandemic and Optimum's service in the area is extremely patchy. we always have to use a phone dial in on top of the regular Zoom or Google Meet connection to make sure that people get to hear us because the internet connection is so bad (even when paying for a 300 Mbps connection). Given an alternate choice like Verizon Fios or AT&T, we would switch in a heartbeat but we are stuck with Optimum.

Service interruptions, outages, NEVER any reimbursement for down time.

Patriot Ridge Optimum Internet Satisfaction (44 Responses)



Customer Service	6
Monopoly	6
Price	6
Quality*	25

\*Describes issues with internet service, such as slow speed and frequent disconnections

## Comments

We pay a lot for inadequate service

Service interruptions adversely impacts ability to work remotely

High cost, low reliability and horrible service. All because they have no competition in high speed internet

No support. Lost connection frequently. Price monopoly because Optimum is the only 1 provider (Verizon is not available)

Optimum has a monopoly in our area of town so that's why our monthly rates keep going up.

The disconnection happens when the meetings are going on and schools are in sessions. The speed is slow and the complaints have not been properly addressed. (Problems persists. The biggest problem is that we at Patriot Ridge does not have an alternative. I am paying close to \$200 per month for dismal internet service and don't have a choice.

Unreliable and slow speed, no one fixed the issue although I have called them many times

In addition to frequent outages, the download speeds are not consistent and can vary 10-90% of the subscribed service. It is so bad during those times that it is better off working with a mobile hotspot rather than using the subscribed optimum broadband!!!

I could not work efficiently from home. I had to catch up during the evening hours because during regular business hours the internet was so bad and I could not finish my work. My kids could not learn or participate during their virtual classes.

The internet connection stability has been an issue for a long time and not resolved.

Unreliable service and the company is extremely slow in taking accountability or action

very expensive, rates increase randomly without explanation, and service is not always reliable.

I am not getting the service which was advertised and I am paying for.

Slow speed & outages

"We pay for 300 mbps, but we hardly get 25 Mbps during the day"

Charge is very high and no other option

Choppy coverage. Low speeds

We have lost hours of internet service in the past. The internet is slow for no reason some times. There are days we get by with hotspots and last month we ran out of hotspot data, so we were really in a bind. When we call, the service is sub-optimal and the tech's don't really explain a lot when they show up.

Unreliable service, internet speed often is not near what we were promised or pay for, unreliable (dishonest) technicians who come to diagnose the problems, lengthy wait times on the phone to reach someone to speak with, despite numerous complaints it took too long to implement a solution, unavailability of Fiber etc. - all the hallmarks of a monopoly taking full advantage of their power.



not getting the service for which we are being charged

<https://www.speedtest.net/result/11467995378> I pay for higher level of upload speeds (30 Mbps to 50 Mbps. I don't get what I am paying for.

We pay for 1G download speed and 30-50 Mbps upload speed, we are not getting what we pay for. <https://www.speedtest.net/result/11470517965>

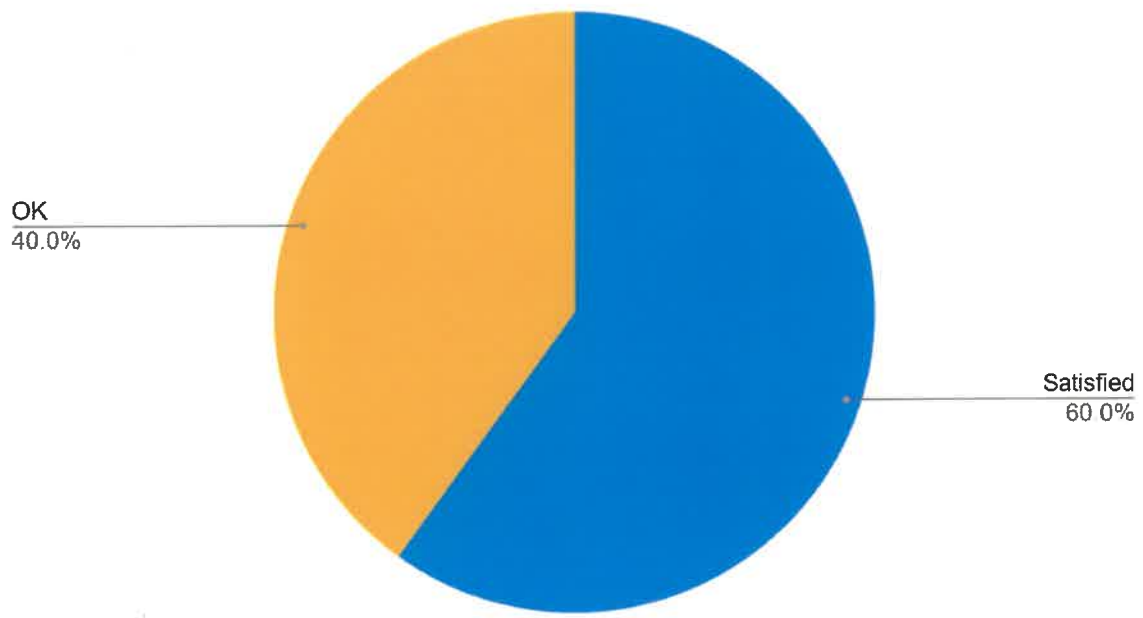
Not getting the WiFi service speed we are paying for

Not getting internet speeds which was marketed to us and for which we are paying

Wifi goes out during peak office hours and often at off peak hours also

Impossible to deal with. If you have a service outage they are vague about cause and duration. We had repeated outages over the spring. They claim due to upgrades but the fact is you should be able to perform an upgrade without repeated multi hour service shut downs. Additionally they play games with your rates and you can assume every few months they will figure a creative way to increase your bill. It is basically like negotiating for a used car. In our neighborhood there is only one high speed option optimum so there is not much choice. When t mobile verizon or tesla get their wireless internet services operational i will immediately leave optimum. Worst utility i have ever worked with and ridiculously expensive.

### Revere Hill Optimum Internet Satisfaction (5 Responses)



No comments, all participants indicated Ok or Satisfied

### Notes

Lafayette Watch had only one response – Satisfied – and therefore there was no comment and no need for a chart.

If an association is not listed in this document, no responses were received from that association.

Outside The Hills Residents Internet Satisfaction - All ISPs -  
(268 Responses)

