

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

FILED
US DISTRICT COURT
WESTERN DISTRICT
OF ARKANSAS
Mar 29, 2021
OFFICE OF THE CLERK

HON. SHERRY KELLEY, *ex rel.*)
CITY OF GURDON, ARKANSAS,)
individually and o/b/o a Class of similarly)
situated Cities.)

Plaintiffs,)

vs.)

ALTICE USA, INC., d/b/a SUDDENLINK)
COMMUNICATIONS,)

Defendant.)

Case No. 6:21cv6033

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Altice USA, Inc., d/b/a Suddenlink Communications (hereinafter “Suddenlink” or “Defendant”) hereby removes the above-captioned case from the Circuit Court of Clark County, Arkansas, Civil Division (Case No. 10 CV-21-19), to the United States District Court for the Western District of Arkansas, Hot Springs Division. In support, Defendant states as follows:

I. INTRODUCTION AND FACTUAL BACKGROUND

1. On February 21, 2021, Plaintiff City of Gurdon, Arkansas (“Plaintiff” or “Gurdon”), commenced a civil action denominated *Hon. Sherry Kelley, ex rel. City of Gurdon, Arkansas, individually and o/b/o a Class of similarly situated Cities v. Altice USA, Inc. d/b/a Suddenlink Communications*, Case No. 10 CV-21-19 (the “Complaint”), in the Circuit Court of Clark County, Arkansas, Civil Division.

2. On February 26, 2021, Suddenlink was served with the Summons, Complaint, and discovery requests. A copy of all papers served on Suddenlink, and any other documents in the State court file, is attached here as **Exhibit A**.

3. In its Complaint, Plaintiff alleges that Suddenlink “is required to pay Gurdon a franchise fee of 5% of its gross revenue, quarterly, as derived from providing services in Gurdon.”¹ Compl. ¶ 17. Plaintiff alleges that Suddenlink failed to pay that purported 5% franchise fee, and that Plaintiff “is entitled to judgment for an amount equal to 5% of the gross revenue derived from Suddenlink’s customers within the corporate limits of the City of Gurdon....” *Id.* ¶ 30.

4. Additionally, Plaintiff “requests an Order directing Suddenlink to make proper quarterly payments” of the purported 5% franchise fee in the future. *Id.* ¶ 31.

5. Plaintiff purports to bring these claims on its own behalf and on behalf of a class of cities in Arkansas. *Id.* ¶ 1.

6. Pursuant to 28 U.S.C. § 1446(a), Defendant has filed with its Notice of Removal a copy of Plaintiff’s Summons, Complaint, First Set of Requests for Admission, and First Set of Interrogatories and Requests for Production attached as **Exhibit A**. These papers constitute all process, pleadings, and orders served upon Defendant, and also include other documents from the State court file.

II. GROUNDS FOR REMOVAL

7. A defendant may remove a state court action to federal district court where the district court has original jurisdiction over the action. 28 U.S.C. § 1441. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332, which grants federal courts original

¹ Notably, Plaintiff does not identify any statutory or common law basis for the imposition of this 5% franchise fee. Suddenlink disputes Plaintiff’s claims and allegations.

jurisdiction over civil actions where there is complete diversity of citizenship between plaintiffs and defendants and where the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).

8. **The Parties are Diverse.** Plaintiff, and Plaintiff's relator,² are citizens of Arkansas. Altice USA, Inc., d/b/a Suddenlink Communications, is a corporation organized under the laws of the State of Delaware with its corporate headquarters and principal place of business at One Court Square, Long Island City, New York, 11101. Defendant is therefore a citizen of Delaware and New York.

9. **The Amount in Controversy Exceeds \$75,000.** To establish the amount in controversy, Suddenlink "need not confess liability in order to show that the controversy exceeds the threshold." *Hartis v. Chicago Title Ins. Co.*, 694 F.3d 935, 945 (8th Cir. 2012) (quoting *Spivey v. Vertrue, Inc.*, 528 F.3d 982, 986 (7th Cir. 2008)). To be clear, Suddenlink disputes that it is liable for damages to the Plaintiff or the proposed class members, or that a class may be appropriately certified. Nevertheless, the aggregate amount in controversy between Plaintiff and Suddenlink, based on the allegations in the Complaint, satisfies the jurisdictional requirement.

10. "[T]he amount in controversy is measured by the value to the plaintiff of the right sought to be enforced." *Am. Family Mut. Ins. Co. v. Vein Ctrs. for Excellence, Inc.*, 912 F.3d 1076, 1081 (8th Cir. 2019) (quoting *Mut. Ins. Co. v. Moody Station & Grocery*, 821 F.3d 973, 977 (8th

² Plaintiff styled this action as being brought by the Hon. Sherry Kelley *ex relatione* the City of Gurdon. Presumably, this is a mistake, as *ex rel.* actions are typically brought by a municipality *ex rel.* the individual, not the other way around. See *Ex rel.* BLACK'S LAW DICTIONARY (11th ed. 2019) ("A suit *ex rel.* is typically brought by the government upon the application of a private party (called a *relator*) who is interested in the matter."). This distinction ordinarily bears on the issue of citizenship, *Kansas City, Mo., ex rel. Gemco, Inc. v. Am. Concrete Forms, Inc.*, 318 F. Supp. 567, 569 (W.D. Mo. 1970) ("[T]he party on whose relation it is brought is regarded as the plaintiff for the purpose of determining diversity jurisdiction."), but it is irrelevant here because both the Hon. Sherry Kelley and the City of Gurdon are citizens of Arkansas. Compl. ¶ 1.

Cir. 2016)). In calculating the amount in controversy, this Court considers “potential, as well as past, damages in arriving at the dollar value of the subject matter of the lawsuit.” *Siegerist v. Blaw-Knox Co.*, 414 F.2d 375, 381 (8th Cir. 1969) (quoting *Hulsenbusch v. Davidson Rubber Co.*, 344 F.2d 730, 733 (8th Cir. 1965)); *see also Bishop Clarkson Mem’l Hosp. v. Reserve Life Ins. Co.*, 350 F.2d 1006, 1008 (8th Cir. 1965) (“[T]he jurisdictional amount is not determined solely by damages incurred prior to the suit, but also by loss likely to flow from continued interference.”).

11. Here, Plaintiff seeks judgment for an amount equal to 5% of Suddenlink’s gross revenue over the last five years, as well as an order requiring Suddenlink to make such payments in the future. Compl. ¶¶ 49, 31. From February 2016 through January 2021 (*i.e.*, in the 5 years prior to the filing of this case), Suddenlink derived at least \$1,192,000 in gross revenue from cable services provided within the City of Gurdon. Five percent of that total (or the amount that Plaintiff claims, at a minimum, is owed as a franchise fee) equals \$59,600, or about \$11,920 per year. Plaintiff clearly seeks judgment for at least that amount.

12. But that is not all. Because Plaintiff seeks an order requiring Suddenlink to make these purported franchise fee payments going forward (Compl. ¶ 31), just two years of those additional payments would be approximately \$23,000, using the \$11,920 annual average described above as a benchmark. When just two years of these requested future payments (\$23,000) are added to the minimum of \$59,600 in franchise fees that Plaintiff seeks from the past five years, the resulting sum is \$82,600. Because this exceeds \$75,000, the amount-in-controversy requirement is satisfied.

III. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL ARE MET

13. The United States District Court for the Western District of Arkansas, Hot Springs Division, is the appropriate venue for removal of Plaintiff’s state court action pursuant to 28 U.S.C.

§ 1446(a), which permits any civil action brought in any state court in which the District Courts of the United States have original jurisdiction to be removed to the District Court of the United States for the district and division embracing the place where the state court action is pending.

14. On February 26, 2021, Plaintiff served Suddenlink with the Complaint. Pursuant to 28 U.S.C. § 1446(b), Defendant timely files this Notice of Removal within 30 days after service of the Complaint on Suddenlink. *See Murphy Bros v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999) (holding that the thirty-day removal period does not begin to run until defendant is formally served with summons and the complaint).

15. Pursuant to 28 U.S.C. § 1446(d), prompt written notice of this Notice of Removal is being sent to Plaintiff through its counsel and to the Clark County Circuit Court, Arkansas, Civil Division. A copy of the notice is attached hereto as **Exhibit B**.

16. Defendant has not entered its appearance, filed a responsive pleading, or otherwise responded to the Complaint in the Arkansas State Court.

17. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pleaded claims upon which relief can be granted, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever (or that the damages it seeks may be properly sought).

18. Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant Altice USA, Inc., d/b/a Suddenlink Communications, hereby removes this action to this Court so that the Court may exercise its subject matter jurisdiction and grant such other further relief as it deems necessary and appropriate.

Date: March 29, 2021

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Jennifer Ziegenhorn
Jennifer Ziegenhorn (AR# 93139)
736 Georgia Avenue, Suite 300
Chattanooga, TN 37402-2059
T: 901-529-3005
F: 901-523-7472
Jennifer.ziegenhorn@huschblackwell.com

McMILLAN, McCORKLE &
CURRY, LLP

F. Thomas Curry (AR# 82189)
929 Main Street
P. O. Box 607
Arkadelphia, AR 71923
T: (870) 246-2468
F: (870) 246-3851
curry@mtmc-law.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Jennifer Ziegenhorn, certify that on 29th day of March, 2021, a copy of the above and foregoing Notice of Removal was electronically filed with the Court's CM/ECF system, with the Clerk of the Court and a copy mailed via U.S. Mail, postage prepaid to:

Todd Turner
TURNER & TURNER, P.A.
501 Crittenden Street
P.O. Box 480
Arkadelphia, AR 71923

Thomas P. Thrash
Will Crowder
THRASH LAW FIRM, P.A.
1101 Garland Street
Little Rock, AR 72201

on this 29th day of March, 2021.

/s/ Jennifer Ziegenhorn

Jennifer Ziegenhorn
Arkansas Bar #93139

FILED
BRIAN S. DANIEL
FEB 21 2021
13:00
CIRCUIT CLERK
CLARK COUNTY, ARKANSAS

**IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION**

**HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
*individually and o/b/o a Class of similarly situated Cities***

PLAINTIFFS

vs.

CASE NO. 10 CV-21-19

**ALTICE USA, INC. d/b/a
SUDDENLINK COMMUNICATIONS**

DEFENDANT

CLASS-ACTION COMPLAINT

COMES NOW Plaintiff, City of Gurdon, Arkansas and for its Complaint hereby states as follows:

INTRODUCTION

The City of Gurdon brings this lawsuit individually and on behalf of a Class of Arkansas cities in order to seek a judgment for payments owed by the Defendant and for an Order compelling the Defendant to maintain minimum customer service requirements for Suddenlink customers.

PARTIES

1. The City of Gurdon is a body politic and corporate which has the right to bring suit under Arkansas law. The Honorable Sherry Kelley is the duly elected Mayor of Gurdon, Arkansas. The Plaintiff brings this case individually, and on behalf of all similarly situated Arkansas cities.

2. Altice USA, Inc. ("Altice") is a communications and media company which is not registered to do business in Arkansas. According to its website, Altice is one of the largest broadband communications and video services providers in the United States, delivering broadband, pay television, telephony services, proprietary content and advertising services to

EXHIBIT A

approximately 4.9 million customers across 21 states.

3. Altice does business as Suddenlink. Suddenlink provides television cable, internet and telephone services in Arkansas. In venues where Suddenlink has various franchise rights, customers often have little or no alternative sources for the services which are offered by the Defendant.

FACTUAL ALLEGATIONS AND INDIVIDUAL CAUSES OF ACTION

4. There have been almost 16,000 complaints to the Better Business Bureau about Suddenlink in the last three years.

5. In the last year, customers throughout Suddenlink's service areas have lodged complaints about Suddenlink's service problems, price increases and lack of customer service.

Exhibit 1.

6. Just last month, the North Carolina Attorney General's office contacted Suddenlink about widespread problems in that state. The problems include escalating prices, excessive pricing for services, poor communication, poor customer service, excessive wait times for customers who attempt to contact the company, no local office or ability for customers to speak to company representatives and the company's general lack of caring about customers.

Exhibit 2.

7. Earlier this month, a government official in West Virginia reported that residents had complained about Suddenlink's "erratic rates, inadequate internet delivery and poor customer service," concluding that the company is "operating an unregulated monopoly."

Exhibit 6.

8. Complaints against Suddenlink routinely include reports that customers are unable to talk to anyone at Suddenlink about service or billing concerns or questions.

9. Hundreds of Arkansans have made consumer complaints about Suddenlink to the Arkansas Attorney General's office in the last year. Many of these are consistent with the complaints identified in **Exhibit 2**.

10. In one Arkansas city, Suddenlink customers reported cost increases of 14.4% despite declining services since the current declaration of emergency. **Exhibit 3**.

11. Prior to 2020, Suddenlink operated several retail offices in various cities around Arkansas. Recently, Suddenlink closed almost all of these offices. Suddenlink's Clark County office has been closed since the spring of 2020.

12. Suddenlink is a video service provider which provides video service to customers in Gurdon, Arkansas. When doing so, it uses wireline facilities (*i.e.*, broadband wireline facilities) located at least in part in public rights- of-way.

13. Suddenlink's bills to customers who reside within the corporate limits of Gurdon, Arkansas contains the following language:

FRANCHISING AUTHORITY: OFFICE OF MAYOR,
103 MAPLE ST GURDON AR 71743

Exhibit 4.

14. Suddenlink does not have an existing franchise agreement with the City of Gurdon.

15. Based on good faith knowledge and belief, Suddenlink holds no franchise agreement with the Arkansas Secretary of State.

16. Suddenlink also provides internet services to customers in Gurdon. These services are also delivered through equipment and appliances which are located at least in part in public rights-of-way.

17. Suddenlink is required to pay Gurdon a franchise fee of 5% percent of its

gross revenue, quarterly, as derived from providing services in Gurdon.

18. Based on good faith knowledge and belief, Suddenlink has failed to properly pay the required fee, necessitating this lawsuit, and entitling Plaintiff to the relief requested herein.

19. At various times, Suddenlink has remitted a single, annual payment to the City of Gurdon on or around the end of January. Suddenlink has not provided evidence to demonstrate the basis for how this payment was calculated. The amount of this payment has decreased in recent years.

20. It is clear that the rates Suddenlink charges its customers have increased since early 2020. According to an affidavit from a Suddenlink director in another lawsuit, the Defendant has increased charges by more than 10% on over 31,000 Arkansas customers since the beginning of the COVID-19 pandemic in March, 2020. **Exhibit 5.** These increases have resulted in revenue of over \$3.6 million from those customers alone. **Exhibit 5.**

21. Suddenlink owes the City of Gurdon a quarterly franchise payment for the use of the City's public easements and rights of way.

22. Suddenlink provides video and internet within Gurdon and derives revenues from these services.

23. Defendant is thus required to make quarterly payments to Gurdon for a franchise fee of 5% of the gross revenues derived from its operations in Gurdon.

24. Suddenlink also owes Gurdon simple interest equal to that of judgments for all video service provider fees that are forty-five days past due.

25. Television, internet and telephone services are vital in today's society. These services are even more crucial during a time of pandemic. Internet service is particularly

crucial to business and education when citizens are working from home during a pandemic.

26. Many Arkansans are working from home and have children who require internet service for online education.

27. Suddenlink's services are not regulated by an state agency. In the various Arkansas communities where it operates, Suddenlink includes language on its customers' bills identifying the local municipal government as its "franchising authority."

28. As a video services provider, Suddenlink must maintain certain customer service standards. These minimum standards include, but are not limited to, the following:

- (a) Maintaining a local or toll-free telephone number for customer service contact with trained company representatives available to respond to customer telephone inquiries during normal business hours;
- (b) Making sure that telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis;
- (c) Maintaining an informal process for handling customer inquiries, billing issues, service issues and other complaints;
- (d) Providing written notification to customers of changes in rates, programming services or channel positions;
- (e) Providing written notification to subscribers at least thirty (30) days in advance of changes that are within the control of the service provider;
- (f) Providing customer service center and bill payment locations which are open at least during normal business hours and which are conveniently located;
- (g) Providing credits for service no later than the customer's next billing cycle following the determination that a credit is warranted;
- (h) Issuing refund checks promptly, but no later than the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier;
- (i) Performing standard installations within seven (7) business days after an order has been placed;

(j) Beginning work on service interruptions promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem; and

(k) Insuring that appointment window alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours.

29. Based on good faith knowledge and belief, the Defendant has failed to comply with one or more of these minimum standards of conduct anywhere in the State of Arkansas.

30. The City of Gurdon is entitled to judgment for an amount equal to 5% of the gross revenue derived from Suddenlink's customers within the corporate limits of the City of Gurdon, plus interest as allowed by law.

31. The Plaintiff requests an Order directing Suddenlink to make proper quarterly payments to Gurdon for the use and enjoyment of the Plaintiff's rights-of-ways.

32. The Plaintiff requests an Order directing Suddenlink to take all actions as may be necessary and appropriate to maintain the minimum standards for a video services operator as required by Arkansas law.

33. The Plaintiff is entitled to judgment for its reasonable attorneys fees and costs.

CLASS ACTION ALLEGATIONS

34. Suddenlink supplies telephone service to other cities in the State of Arkansas and has failed to make proper payments for the use of public rights-of-way and failed to maintain minimum standards of conduct for the benefit of the customers in those cities. Therefore the allegations raised in this case are common among those who are similarly situated.

35. The claims in this case are based on Arkansas law and the putative class consists of the Arkansas cities where Suddenlink has a franchise agreement to provide services to the

respective residents of those cities. This Court has proper jurisdiction over the class claims.

36. The Plaintiff therefore brings this action on behalf of a class of those similarly situated.

Typicality.

37. The Plaintiff's claims are typical of the claims of other Arkansas cities where Suddenlink provides services.

38. The Defendant uniformly fails to provide proper payment to Class Members for the use of public rights-of-way and routinely fails to maintain the minimum customer service standards required for video service providers.

Commonality

39. The Plaintiff's claims raise issues of fact or law which are common to the members of the putative class. These common questions include, but are not limited to, the following:

- (a) whether Suddenlink is obligated to make quarterly franchise fee payments of 5% percent of its gross revenue, quarterly, as derived from providing services to customers who reside within the corporate limits of the Members of the Class;
- (b) Whether Suddenlink has made proper payments for the use of public rights-of-way to the Plaintiff and Class Members;
- (c) Whether Suddenlink has maintained a local or toll-free telephone number for customer service contact with trained company representatives available to respond to customer telephone inquiries during normal business hours;
- (d) Whether the telephone answer time by Suddenlink customer representatives, including wait time, exceeded thirty (30) seconds when the connection is made;
- (e) Whether Suddenlink has maintained an informal process for handling customer inquiries, billing issues, service issues and other complaints;

(f) Whether Suddenlink has provided written notification to customers of changes in rates, programming services or channel positions;

(g) Whether Suddenlink has provided written notification to subscribers at least thirty (30) days in advance of changes that are within the control of the service provider;

(h) Whether Suddenlink has provided customer service centers and bill payment locations which are open at least during normal business hours and which are conveniently located;

(i) Whether Suddenlink has provided credits for service no later than the customer's next billing cycle following the determination that a credit is warranted;

(j) Whether Suddenlink has issued refund checks promptly, but no later than the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier;

(k) Whether Suddenlink has performed standard installations within seven (7) business days after an order has been placed;

(l) Whether Suddenlink begins working on service interruptions promptly and in no event later than 24 hours after the interruption becomes known;

(m) Whether Suddenlink begins actions to correct other service problems the next business day after notification of the service problem; and

(n) Whether Suddenlink owes the Plaintiff and the Class Members interest on past-due payments for the use of public-rights-of-ways.

Numerosity

40. The Defendant has failed to make proper payments and has failed to maintain minimum customer service requirements in other Arkansas cities where it provides services. While there are numerous cities in this class, Plaintiff believes that the number is less than 100.

Superiority

41. A class action is superior to other available methods of relief for the fair and

efficient adjudication of these claims.

42. If Defendant's conduct in Gurdon was unlawful, then the Defendant's similar, routine conduct involving other Arkansas cities was also unlawful.

43. A class action would benefit both the putative class and the Defendant because it would allow for a single resolution of similar or identical questions of law or fact.

Adequacy

44. The Plaintiff is interested in the outcome of this litigation and understands the importance of adequately representing the class.

45. The Plaintiff will fairly and adequately protect the interests of the class.

46. Class counsel are experienced in class-action and complex consumer litigation and are qualified to adequately represent the class.

47. The Plaintiff requests that it be appointed to serve as representative of a class of all Arkansas cities who, within the last five years, are owed franchise payments from Suddenlink and/or where Suddenlink has failed to maintain the minimum levels of customer service required for a video service provider under Arkansas law.

48. This case satisfies the requirements of Rule 23 of the Arkansas Rules of Civil Procedure and should be certified as a class action.

CLASS RELIEF

49. The Plaintiff seeks judgment for itself and the Class for all unpaid amounts for the use of public-rights-of-way for the last five years, plus interest and attorneys fees, up through and including the judgment in this case. The Plaintiff seeks an Order requiring Suddenlink to maintain the minimum customer service standards required by law for the customers of all residents who live within the corporate limits of the Plaintiff and each Arkansas City in the class.

50. This case involves Arkansas state-law causes of action. Based on good faith knowledge and belief, Suddenlink claims to be operating pursuant to a local franchise agreement with fewer than 100 cities in Arkansas. The City of Gurdon has no written agreements with the Defendant about the services which the Defendant provides to Gurdon residents or regarding the payments which Suddenlink owes Gurdon for the use of Gurdon's public rights-of-way. The customer service standards imposed by Arkansas law are the minimum standards for video services providers and cannot be diminished by contract or otherwise. For these reasons, this Court has jurisdiction over these causes of action and the claims are not subject to arbitration.


JURY DEMAND

51. The Plaintiff reserves the right to amend this pleading as allowed by the Arkansas Rules of Civil Procedure and hereby demands a trial by jury.

WHEREFORE, Plaintiff prays that this case be certified as a class action, that it and the Class be granted the relief requested herein, that it and the Class be granted judgment for damages and for reasonable attorneys fees and costs, and for any and all other just and proper relief to which it may be entitled.

Respectfully Submitted,
CITY OF GURDON

By: _____


Todd Turner (ARBIN 92266)
TURNER & TURNER, P.A.
501 Crittenden Street
P.O. Box 480
Arkadelphia, AR 71923
Telephone: (870) 246-9844
Telecopier: (888) 866-9897
todd@tandtlaw.net

Thomas P. Thrash (ARBIN 80147)
Will Crowder (ARBIN 03138)

THRASH LAW FIRM, P.A.
1101 Garland Street
Little Rock, AR 72201-1214
(501) 374-1058 / fax (501) 374-2222
tomthrash@thrashlawfirm.com
willcrowder@thrashlawfirm.com

FILED
BRIAN S. DANIEL
FEB 21 2021
13:01
CIRCUIT CLERK
CLARK COUNTY, ARKANSAS

UNIFORM COVER PAGE

COURT: IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS

Docket/Case Number: 10 CV-21-19

PLAINTIFF: HONORABLE SHERRY KELLEY, EX REL.

CITY OF GURDON, ARKANSAS

DEFENDANT: ALTICE, USA, INC. d/b/a

SUDDENLINK COMMUNICATIONS

TITLE OF PLEADING OR DOCUMENT BEING FILED:

EXHIBITS 1-6

TO PLAINTIFF'S COMPLAINT

*Administrative Order No 2. (g) File Mark. (1) There shall be a two inch (2") top margin on the first page of each document submitted for filing to accommodate the court's file mark. If the pleading or document must be filed in multi-parts because of size or for other reasons, the first page of each part must include the file name and file mark and shall clearly indicate the part number and number of parts (example, part 1 of 2). (2) If a document is such that the first page cannot be drafted to provide sufficient space to satisfy the filemark requirement, the document must include the uniform cover page developed by the Administrative Office of the Courts and found under Forms and Publications at www.arccourts.go

Arkansas customers fed up with Suddenlink overcharges, customer service

by Marine Glisovic

Monday, February 10th 2020

LITTLE ROCK (KATV) — A cable and internet service provider in Arkansas seems to be failing its customers.

Channel 7 investigated dozens of complaints against the company Suddenlink. Suddenlink, which is transitioning to a company named Altice USA, appears to be one of the worst providers of cable and internet based on the number of complaints to the Seven On Your Side office. From failed equipment and interrupted service to inaccurate billing statements, Arkansans have submitted dozens of complaints about the company and reported it to the Arkansas Attorney General's Office.

"I have spent hours and hours when I didn't even feel like it trying to straighten this out and I don't know what to do with it," said Ruth Mackinnon, a former Suddenlink customer.

Mackinnon showed KATV a bill for \$540. She said that's what Suddenlink tried charging her for about a month of service.

Mackinnon has documented her interactions with Suddenlink. She said three technicians installed her cable, phone and internet services in October. Just a few days later, another technician was needed.

"I said I would like to have at least my TV working, but I don't even have that working," she said. "And he went in there and did whatever and he got it to working."

Mackinnon said her TV worked but her phone and internet didn't. Despite dozens of phone calls for help, her bills continued to pile up for services she wasn't receiving.

"They got me another line. I have never had but one telephone line," said Mackinnon. "They charged me for two telephone lines and it's not even connected up."

Mackinnon is just one of hundreds of customers to complain about Suddenlink. Through a Freedom of Information Act request, KATV obtained dozens of complaints filed with the state attorney general's office.

"I was overcharged for internet and phone service for eight months," one customer wrote. "I was charged for TV I did not order or use for eight months."



Another wrote: "Service drops out and stays out for hours. I have contacted numerous times, they have sent numerous techs out to repair."

One business owner said in a complaint: "As of today, over a week, our local customers still cannot call our phone number and reach us. We have asked them repeatedly to resolve this, to no avail."

Even the Arkansas Department of Human Services complained on behalf of an impaired adult. That person returned their equipment in August but continued to be billed through October.

The City of Jonesboro attempted to take matters into their hands and met with Suddenlink officials. In a letter written by city officials and obtained by KATV, the company blamed their issues on the Altice USA takeover and convergence problems with software.

Suddenlink said in a written statement that it aims to "provide our Arkansas customers with the best connectivity experience possible."

"While we recently upgraded our billing systems, which temporarily caused longer wait times for some customers, our service levels have normalized and we remain committed to delivering reliable service and support to Arkansas residents," the statement says, in part.

One day after Seven On Your Side contacted Suddenlink for the above statement, Mackinnon provided an update.

"Oh, you're not going to believe this ... Suddenlink just called me about five minutes ago ... they cleared all of my bill away," she said. "I don't owe them a penny."

While it worked out for Mackinnon, dozens of others are left without answers.

KATV attempted to find out who's holding this company accountable. The Arkansas Secretary of State holds the franchise agreement with Suddenlink but the office is only responsible for companies registering to operate in Arkansas.

A spokeswoman with the state attorney general's office said they will mediate complaints and open investigations when there is some indication that a business has engaged in practices that violate the Arkansas Deceptive Practices Act or other consumer protection laws within their scope of authority.

The office also said they have tried to resolve some of these issues between Suddenlink and its customers through an informal mediation process. In some cases, it led to refunds or other assistance to consumers.

Two cities are actively attempting to resolve issues. Cabot City Attorney Ben Hooper said they plan to have a meeting with Suddenlink and discuss complaints.

City of Jonesboro spokesman Bill Campbell said that after many calls from residents, the mayor met with company representatives.

A town hall-style meeting will take place between customers and Suddenlink on February 27th at St. Bernard's Auditorium, 505 E Washington Ave. Jonesboro.

Channel 7 reached out to the Federal Communications Commission but did not receive a response.

JOSH STEIN
ATTORNEY GENERAL



TRACY NAYER
ASSISTANT ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
TNAYER@NCDOJ.GOV

January 29, 2021

Dexter Goei, CEO
Altice USA, Inc.
One Court Square
Long Island City, New York 11101
Sent by email and Federal Express



Re: North Carolina Department of Justice Complaints against Suddenlink

Dear Mr. Goei:

The Consumer Protection Division of the North Carolina Department of Justice has received a number of complaints concerning high-speed internet service issues with Suddenlink. These complaints include letters filed by the North Carolina mayors, aldermen, and/or commissioners of the Towns of Ayden, Scotland Neck, Tarboro, and Winterville, the Cities of New Bern, Rocky Mount, and Washington, and Craven County, who filed such letters on behalf of their constituents who subscribe to Suddenlink. Copies of these letters are attached for your reference. The affected consumers allege that, among other things, they are unable to regularly or reliably access the internet through Suddenlink's network at the internet speeds promised, and sometimes are unable to access the internet at all.

The ongoing COVID-19 pandemic has highlighted the need for consumers to have access to reliable internet services in their daily lives. Now more than ever, these services are critical to maintaining familial connections, educating our children, and working to provide for our families. When a consumer is unable to regularly or reliably access the internet, it can be more than a nuisance or inconvenience, and can have a real impact on their ability to meet the needs and obligations of their everyday lives.

The North Carolina Department of Justice is authorized by statute to investigate unfair and/or deceptive business practices in or affecting commerce in North Carolina, and to take appropriate legal action to remedy such practices. *See* N.C.G.S. §§ 75-1.1 *et seq.*

Based on concerns raised by North Carolina consumers regarding Suddenlink, we request an urgent meeting to discuss these matters. Prior to the meeting, please review your records to identify complaints that Suddenlink has received from consumers in North Carolina concerning issues similar to those raised in the attached letters. We would like to discuss the volume and general nature of these complaints, and the steps Suddenlink has taken to address those complaints.

We are also interested in hearing about the age and condition of the equipment and infrastructure that serves these towns and cities, and the steps Suddenlink is taking to actively monitor and address capacity issues on its network.

Please ensure that a person who can communicate with our office about these concerns responds to me via email at tnayer@ncdoj.gov within seven (7) days of the date of this letter, so that we can coordinate a mutually agreeable time to meet in the near future to discuss these issues. We are willing to conduct this meeting by video conference to ensure the safety and convenience of all attendees.

Thank you in advance for your immediate attention to this matter. We look forward to receiving your response on or before Friday, February 5, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Nayer', written in a cursive style.

Tracy Nayer
Assistant Attorney General

Enclosures

TOWN OF AYDEN, NC
INCORPORATED 1891



OFFICE OF THE MAYOR
4144 WEST AVENUE
AYDEN, NC 28513

January 12, 2021

JAN 25 2021

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

RE: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altice USA

Dear Mr. Stein:

The purpose of this letter is to request that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA. The Town of Ayden receives constant complaints regarding poor service from this provider. Customers report to Town Officials a broad range of issues concerning Suddenlink, including: escalating costs, lack of access to service, excessively long outages, poor communications and response to outages, failure to keep equipment in good working condition, temporary fixes resulting in unburied/low hanging lines for extended periods of time, internet speeds substantially slower than advertised, etc.

While service issue complaints have been ongoing for several years, the COVID-19 Pandemic has exposed the scope of problems with both physical infrastructure and service delivery of Suddenlink Communications. At a moment of stay-at-home orders, remote learning and teleworking, Ayden citizens are frequently denied access to information, education and jobs. The Town seeks any assistance that your office can provide to improve this vital utility within our service area. For some time, Town Officials have directed citizens to make any issues with Suddenlink known to your office. Town Officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this company.

Thank you for your attention to this matter., Please contact me at 252-814-0317 or Matthew Livingston, Town Manager at 252-481-5819 with additional questions regarding this matter.

Sincerely,



Stephen W. Tripp
Mayor

CC: Town of Ayden Governing Board
Matthew Livingston, Town Manager
Scott Dixon, Town Attorney

"ONE OF AMERICA'S BEST SMALL COMMUNITIES TO RAISE A FAMILY" ~ U.S. MEDIA GROUP, 2013

P.O. BOX 219 | AYDEN, NORTH CAROLINA 28513-0219 | TELEPHONE (252) 481-5826

Board of Commissioners
Jason R. Jones, Chairman
Denny Bucher, Vice Chairman
George S. Limer
Thomas F. Mark
Theron L. McCabe
Ettienne "E.T." Mitchell
Beatrice R. Smith



Administration Building
406 Craven Street
New Bern, NC 28560
Fax 252-637-0526
manager@cravencountync.gov

Administrative Staff
Jack B. Veit, III, County Manager
Gene Hodges, Assistant County Manager
Nan E. Holton, Clerk to the Board
Amber M. Parker, Human Resources Director
Craig Warren, Finance Director

Commissioners 252-636-6601
Manager 252-636-6600
Finance 252-636-6603
Human Resources 252-636-6602

JAN 26 2021

January 19, 2021

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Mail Services Center
Raleigh, NC 27699-9001

Re: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altice USA

Dear Mr. Stein:

The purpose of this letter is to request that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA. The Craven County Board of Commissioners receive constant complaints regarding poor service from this provider. Customers report to County Commissioners a broad range of issues concerning Suddenlink, including: escalating costs, lack of access to service, excessively long outages, poor communications and response to outages, failure to keep equipment in good working condition, no local office or ability to speak to a person, temporary fixes resulting in unbundled/low hanging lines for extended periods of time, internet speeds substantially slower than advertised, etc.

While service issue complaints have been ongoing for several years, the COVID-19 Pandemic has exposed the scope of problems with both the physical infrastructure and service delivery of Suddenlink Communications. At a moment of stay-at-home orders, remote learning and teleworking, Craven County residents are frequently denied access to information, education and jobs. The County seeks any assistance that your office can provide to improve this vital utility within our service area. For some time, Craven County Commissioners have directed residents to make any issues with Suddenlink known to your office. County officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this company.

Thank you for your attention to this matter. Please contact Craven County Manager Jack Veit at 252-636-6600 or myself at 252-229-1085 with additional questions regarding this matter.

Sincerely,

Jason Jones
Chairman, Craven County Board of Commissioners

CC: Jack Veit, County Manager
Arey Grady, County Attorney
Senator Norm Sanderson
Representative Steve Tyson



NEW BERN
CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129
New Bern, NC 28563-1129
(252) 636-4000

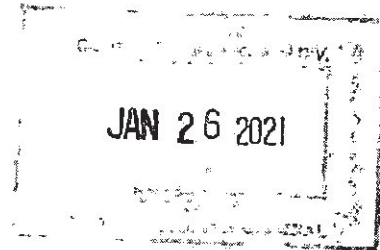
Aldermen

Sabrina Bengel
Jameesha Harris
Robert V. Aster
Johnnie Ray Kinsey
Barbara J. Best
Jeffrey T. Odham

Dana E. Outlaw
Mayor
Mark A. Stephens
City Manager
Brenda E. Blanco
City Clerk
Mary M. Hogan
Director of Finance

CERTIFIED MAIL

January 12, 2021



Josh Stein, NC Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

**RE: Complaint Regarding Internet/Media/Communications Service Provider—
Suddenlink Communications/ Altice USA**

Dear Mr. Stein:

Over the last few years, the City of New Bern has received constant, sometimes daily complaints regarding poor service from Suddenlink Communications/Altice USA. The complaints are only escalating. Customers have reported to the City a broad range of issues that include: lack of access to service, failure to complete installations, excessively long outages, poor communication and response to customer inquiries, unresolved issues with billing errors, poor response to outages, failure to keep equipment in good working condition, temporary fixes resulting in unburied or low-hanging lines for extended periods (in some cases, more than 12 months), etc. This letter is written to request that the NC Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA.

With more people working and learning remotely due to COVID-19, the scope of problems with the physical infrastructure, service, and level of customer service has been greatly illuminated. In a time of stay-at-home orders when people are teleworking and our children are learning remotely, New Bern's citizens are frequently denied access to information, education, and the ability to perform their jobs. We have communicated and met with upper management of Suddenlink/Altice on more than one occasion to express concern and frustration over these issues. This has yielded no results. As elected officials of the City of New Bern, we are seeking your support and any assistance that your office can provide.

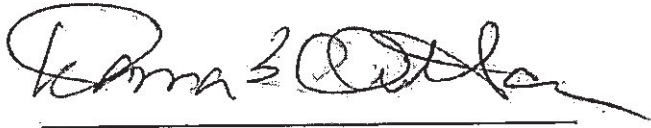
Josh Stein, NC Attorney General

Page 2

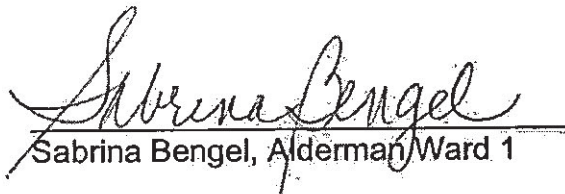
January 12, 2021

If you have questions or need additional information, please do not hesitate to contact Mayor Dana Outlaw at 252-649-4137 or Mark Stephens, City Manager, at 252-639-2700.

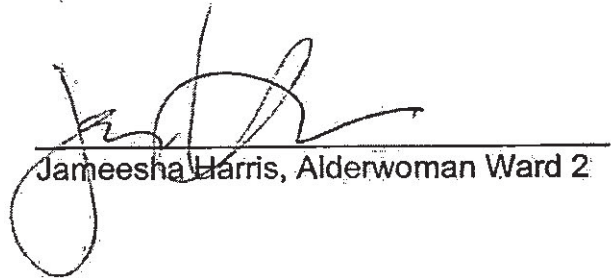
Respectfully,



Dana E. Outlaw, Mayor



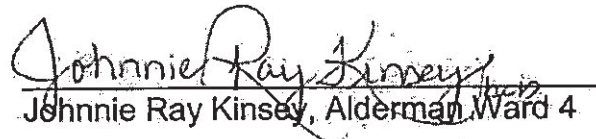
Sabrina Bengel, Alderman Ward 1



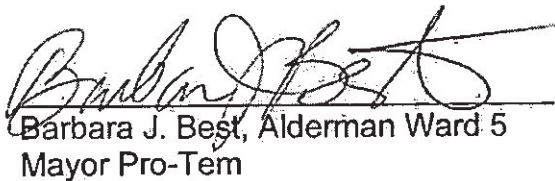
Jameesha Harris, Alderwoman Ward 2



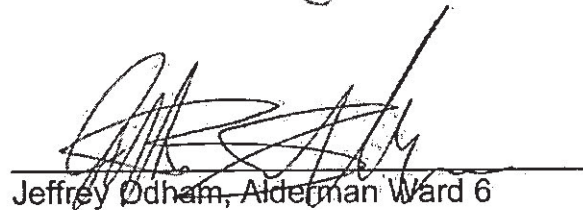
Robert V. Aster, Alderman Ward 3



Johnnie Ray Kinsey, Alderman Ward 4



Barbara J. Best, Alderman Ward 5
Mayor Pro-Tem



Jeffrey Odham, Alderman Ward 6

/beb

cc: Erin Jones, Director Government Affairs, Altice USA

JAN 28 2021



OFFICE OF THE MAYOR

January 19, 2021

Josh Stein, NC Attorney General
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

RE: Suddenlink/Altice USA Complaints

Dear Attorney General Stein:

We receive numerous complaints about Suddenlink; their poor service, high pricing, inadequate picture quality, poor communications, incorrect billing, missed service calls, unburied cables, slow internet speed, length of time customers are waiting on the phone, faulty equipment, and general lack of caring about their product or their customers. Many of us feel that this is due to the monopoly they hold in this area.

This has been an on-going problem that has increased due to more people at home and online during this pandemic. Unlike all of us, Suddenlink has not evolved to meet the demand, nor shown any compassion toward their customers. Complaints are at an all-time high and we need help from your office to investigate the business practices of Suddenlink Communications/Altice USA.

I also urge you to provide counsel and direction on how to best introduce competition into the marketplace so that cable companies will need to offer the best services, best price, and best customer service in their efforts to gain, and keep, customers.

I appreciate your consideration and attention to this matter. Please feel free to contact me at 252-314-3503 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Saunders Roberson', is written over a white background.

C. Saunders Roberson, Mayor
City of Rocky Mount

cc. Governor Roy Cooper
NC State Senator Lisa Barnes
NC State Senator Toby Fitch
NC State Senator Shelly Willingham
NC State Representative James Gailliard
NC State Representative Matthew Winslow



JAN 26 2021

CERTIFIED MAIL

TOWN OF SCOTLAND NECK

January 20, 2021

P.O. Box 537
1310 MAIN STREET
SCOTLAND NECK, NC 27874

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Main Service Center
Raleigh, NC 27699-9001

RE: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altice USA

Dear Mr. Stein:

On behalf of the citizens of Scotland Neck who are Suddenlink customers, I am requesting that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA. The Town of Scotland Neck receives constant complaints regarding poor service and little to no communication in resolving the issues from this provider. Complaints range from escalating costs, lack of access to service, excessively long outages, poor communication and response to outages, failure to keep equipment in good working condition, temporary fixes resulting in unburied or low hanging lines for extended periods of time, internet speeds substantially slower than advertised, just to name a few.

While service issue complaints have been ongoing for a long time, the COVID-19 Pandemic has revealed the scope of problems with both the physical infrastructure and service delivery of Suddenlink Communications. With the stay-at-home orders, remote learning, and teleworking, Scotland Neck citizens are recurrently denied access to information, education, and jobs. I am seeking any assistance your office can provide to improve this vital utility within our service area. Town Officials have directed citizens to make any complaints with Suddenlink known to your office. Town Officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this company.

Thank you for any assistance you may provide. Please contact me at (252) 826-3152 or ebraxton@townofscotlandneck.com should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Braxton".

Eddie Braxton
Mayor



Town of Tarboro

500 N Main Street, P.O. Box 220, Tarboro, NC 27886 (P) 252.641.4200 (F) 252.641.4286

JAN 26 2021

CERTIFIED MAIL

December 30, 2020

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

Re: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altice USA

Dear Mr. Stein:

The purpose of this letter is to request that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA. The Town of Tarboro receives constant complaints regarding poor service from this provider. Customers report to Town Officials a broad range of issues concerning Suddenlink, including: escalating costs, lack of access to service, excessively long outages, poor communication/response to outages, failure to keep equipment in good working condition, temporary fixes resulting in unburiel/low hanging lines for extended periods of time, internet speeds substantially slower than advertised, etc.

While service issue complaints have been ongoing for several years, the COVID-19 Pandemic has exposed the scope of problems with both the physical infrastructure and service delivery of Suddenlink Communications. At a moment of stay-at-home orders, remote learning, and teleworking, Tarboro citizens are frequently denied access to information, education, and jobs. The Town seeks any assistance that your office can provide to improve this vital utility within our service area. For some time, Town Officials have directed citizens to make any issues with Suddenlink known to your office. Town Officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this company.

Thank you for your attention to this matter. Please contact me at (252) 883-2972 or Troy Lewis, Town Manager at (252) 641-4250 with additional questions regarding this matter.

Sincerely,

Joseph W. Pitt
Mayor

Cc: Tarboro Town Council
Troy Lewis, Town Manager
Chad Hinton, Town Attorney

Mayor
Donald R. Sadler

City Manager
Jonathan Russell



Washington City Council
Richard Brooks
Virginia Finnerty
Elizabeth A. Kane
William Pitt
Mike Renn

January 4, 2021

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

Re: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altice USA

Dear Mr. Stein:

The purpose of this letter is to request that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altice USA. The City of Washington receives constant complaints regarding poor service from this provider. Customers report to City Officials a broad range of issues concerning Suddenlink, including: escalating costs, lack of access to service, excessively long outages, poor communications and response to outages, failure to keep equipment in good working condition, temporary fixes resulting in unburied/low hanging lines for extended periods of time, internet speeds substantially slower than advertised, etc.

While service issue complaints have been ongoing for several years, the COVID-19 Pandemic has exposed the scope of problems with both the physical infrastructure and service delivery of Suddenlink Communications. At a moment of stay-at-home orders, remote learning and teleworking, Washington citizens are frequently denied access to information, education and jobs. The City seeks any assistance that your office can provide to improve this vital utility within our service area. For some time, City Officials have directed citizens to make any issues with Suddenlink known to your office. City Officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this company.

Thank you for your attention to this matter. Please contact me at 252-975-3208 or Jonathan Russell, City Manager at 252-975-9319 with additional questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Donald R. Sadler". The signature is written in a cursive, flowing style.

Donald R. Sadler
Mayor

Cc: Washington City Council
Jonathan Russell, City Manager
Franz Holscher, City Attorney

JAN 28 2021



2571 Railroad Street
PO Box 1459
Winterville, NC 28590

Phone: (252) 756-2221
Fax: (252) 321-8455
www.wintervillenc.com

CERTIFIED MAIL

January 12, 2021

Josh Stein, North Carolina Attorney General
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

**Re: Complaint Regarding Internet Service Provider – Suddenlink Communications/Altec USA
(Suddenlink)**

Dear Mr. Stein:

The purpose of this letter is to join some of our fellow cities and towns in eastern North Carolina and request that the North Carolina Attorney General's Office initiate an investigation into the business practices of Suddenlink Communications/Altec USA (hereinafter referred to as Suddenlink). The Town of Winterville receives constant complaints regarding poor service and unfair business practices from this Provider. These complaints against Suddenlink include, but are not limited to escalating costs; excessively long and frequent outages; poor communication/response to said outages; failure to keep equipment in good working condition; "temporary" fixes resulting in exposed/low-hanging lines for extended periods of time; very slow internet speeds (lower than advertised or sold); poor customer service practices; and lack of availability to service.

While many of these complaints span a multi-year period, the COVID-19 Pandemic has exposed the broad scope of the problems with both physical infrastructure and service delivery of Suddenlink. The combination of Stay-at-Home orders, remote learning, and teleworking requirements during the Pandemic has brought about a larger-scale reliance on internet service and specifically Suddenlink. Due to the continuing problems which Suddenlink has failed to address, Winterville citizens are frequently denied access to required information, remote education, and teleworking requirements. The Town seeks any assistance that your Office can provide to "force" improvement of this vital utility within our service area. For some time, Town Officials have directed citizens to report issues with Suddenlink known to your office. Town Officials will continue this practice so that the North Carolina Department of Justice may document the persistent and extensive service delivery issues with this Company.

Thank you for your prompt attention to this matter. Please contact me at (252) 215-2344 or Terri L. Parker, Town Manager at (252) 215-2341 with additional questions regarding this matter.

Sincerely, 

Douglas A. Jackson
Mayor

Cc: Winterville Town Council
Terri L. Parker, Town Manager
Keen Lassiter, Town Attorney



ATTORNEY GENERAL
OF ARKANSAS

MAY 26 2020

RECEIVED

May 19, 2020

Mr. Shawn Johnson
Senior Assistant Attorney General
Office of the Attorney General Leslie Rutledge
323 Center Street
Suite 200
Little Rock, AR 72201

Re: Ongoing Suddenlink Issues

Dear Mr. Johnson,

This letter is to follow up on our discussion about the issues we are having in the City of Jonesboro with Suddenlink. After several attempts to contact Suddenlink, we held an in person meeting with several members of management, including Brad Ayers, the Senior Director of Governmental Affairs, on November 7, 2019. In this meeting, we discussed the hundreds of complaints the city has received about Suddenlink. The concerns range from poor customer service, decrease in channels and services provided, increased fees, improper billing, extremely long waits for repairs, etc.

At this meeting, the Suddenlink representatives agreed to hold a town hall meeting with the citizens of Jonesboro in order to hear the issues first hand from the customers, and to formulate a plan to resolve these issues. It took almost four months from the date of our meeting to get this accomplished and a town hall meeting was held on February 27, 2020. It was a packed house. The complaints were all the same issues we had heard previously including concerns about an increase in cost of 14.4%, while service and benefit to the customer continues to decline.

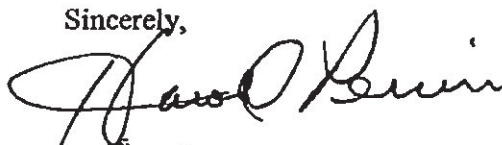
The City of Jonesboro has attempted to resolve these issues with Suddenlink for over nine months, to no avail. We have seen no improvement since the town hall meeting was held, in fact the issues continue to worsen. Our concerns are with the frustrations of our citizens, and they are communicating that they are at the breaking point with this company. In addition, the City has expended countless hours communicating with Suddenlink and our citizens about Suddenlink issues over the past year, with no results to show for these efforts.

May 19, 2020
Page 2

We understand that we have no actual control over this franchise, as it is now a franchise held with the State of Arkansas. We do not believe we are alone in our issues with this company. We are asking for your assistance to take any appropriate action against this company and to provide relief to not only to the citizens of Jonesboro, but to those of the State of Arkansas.

We thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Perrin". The signature is written in a cursive style with a large initial "H".

Harold Perrin
Mayor

HP/clg

Enclosures



GURDON BUSINESS CTR
 Account Number: 07701-119422-01-9
 Total Amount Due: \$273.78

69957701 LNTRP 22 2020 1222 YYYYYYNY 0016374 0078

Account Details...continued

TAXES, FEES & OTHER CHARGES		
Phone		
12/27 -01/26	Arkansas High Cost Fund	1.38
	City Sales Tax	0.36
	County Sales Tax	0.36
	State Sales Tax	1.55
	911 Fee	1.30
	FCC Regulatory Fee	0.02
	Federal Cost Recovery Fee	0.13
	Federal Excise Tax	0.04
Other Charges		
12/27 -01/26	Network Access Surcharge	3.50
	Federal Universal Service Fee	2.16
	Federal Subscriber Line Charge	5.25
Total Taxes, Fees & Other Charges		\$ 17.00
Total Amount Due		\$273.78

Suddenlink Updates

Just a reminder, we have not received your payment. If you have already paid your bill, kindly disregard this message. If not, please remit full payment immediately to continue receiving service and to avoid unnecessary fees. If the past due amount is not received by the pay by date on this bill, you will be charged a late fee. Please note that all equipment received at installation is the property of Suddenlink and must be returned if service is disconnected.



Go green with paperless billing or pay online at suddenlinkbusiness.com. Call today to set up a secure PIN number and start accessing your account online.



Payment Information
 Allow up to 3 days for payment to process once received. Bill payment confirms your acceptance of the Business Services Agreement, viewable at suddenlink.com/terms-policy.

Paying by check authorize us to use info on the check to make a one-time electronic funds transfer from your account or to process the payment as a check. If your check is returned unpaid, a fee up to \$40 will be incurred. Insufficient fund fees can be found at suddenlink.com.

Billing Information
 You're billed each month in advance for the next month's services. Rates subject to change or discontinuance. Service cancellations are effective on the last day of

the then current billing period. Promotion Credit subj. to change or discontinuance w/o notice; if expiration date shown, credit remains thru date if current service levels maintained. For more details, visit suddenlink.com/commercial-service-agreement. You'll be charged a late fee up to \$10 if payment is not received by the due date on your bill. Late fee rates can be found at suddenlink.com/rates. You'll continue to be charged this fee on each subsequent past due bill if payment is not received by the due date indicated. Payments not received within 15 days of the due date may be sent to collections. Your bill includes all government fees. TV Taxes and Fees includes an FCC fee and payments required under Alice's franchise agreement to support public, educational or

government channels. Taxes and Fees are subject to change.
Service Information
 For immediate closed captioning issues, contact us: 844-551-5862 (phone), 866-721-7595 (fax) or closedcaption@suddenlink.com. Mail written closed captioning complaints to Alice USA, Attn: Ahmed Fayed, 1111 Stewart Avenue, Bethpage, NY 11714. Programming subject to change, see suddenlink.com/contract-opts for details. If you have a complaint about your cable service, contact customer service at 800-490-9604.

FRANCHISING AUTHORITY: OFFICE OF MAYOR 103 MAPLE ST GURDON AR 71743 CUID: AR016

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

MESHA LEEPER, BETTY BARTON, and)
CECILY YOUNG, individually and o/b/o a class)
of similarly situated persons)

Plaintiffs,)

vs.)

ALFICE USA, INC., d/b/a SUDDENLINK)
COMMUNICATIONS,)

Defendant.)

Case No. 6:20-cv-06119-RTD

DECLARATION OF KIMBERLY KOKE

I, Kimberly Koke, hereby declare as follows:

1. I am employed by Alfice USA, Inc. as Senior Director, Business Insights. In that role and as part of my regular job functions, I have worked with and am familiar with Suddenlink's corporate records regarding billing for Suddenlink services. The facts contained in this declaration are based on my review of Suddenlink corporate records and data, and I can testify competently to them if called to do so.

2. Since March 2020, Suddenlink has provided services to over 100,000 unique residential customers in Arkansas.

3. Since March 2020, Suddenlink has had 31,848 customers who were Arkansas residents and who have had their Suddenlink charges increase by more than 10%. These 31,848 customers have, since March 2020, paid Suddenlink \$3,666,055.55 for these increased charges. Put another way, Suddenlink has, since March 2020, derived \$3,666.055.55 in revenue from rate increases for these customers.



I declare under penalty of perjury that the foregoing is true and correct.

December 4, 2020

Kimberly Koke

Kimberly Koke

https://www.register-herald.com/news/state_region/bates-wants-psc-to-regulate-broadband/article_022172b5-99c1-56e7-8c8d-8cc08dabb6da.html

Bates wants PSC to regulate broadband

By Jessica Farrish THE REGISTER-HERALD
Feb 6, 2021

With West Virginia set to receive \$362 million in federal funds for rural broadband expansion, Del. Mick Bates of Raleigh County is pushing for the state to begin regulating internet service.

Bates said Friday that Suddenlink (Altice), which provides internet service in southern West Virginia, is operating as an unregulated monopoly. He wants the State Public Service Commission, which regulates utility companies, to oversee internet companies like Suddenlink.

"It's essential," said Bates. "It's essential for schooling. It's essential for business. It's essential for health care.

"You can't get a Covid vaccine unless you go on the frigging internet and register.

"We should be guaranteeing a basic level of quality service, at the same fee, for everybody.

"The state is going to put millions of dollars down at these companies, without any regulatory framework to make sure they do the right thing, spend the money the right way, and people who don't get what they need have nowhere to go to complain and get their questions answered."

Bates' interest started out when local residents began complaining about service provided by Suddenlink. Bates, who owns BodyWorks in Beckley, alleged that he has also experienced erratic rates, inadequate internet delivery and poor customer service — all complaints that he said he had heard from other local residents.

Currently, he said, there is no regulatory agency to require that internet be treated like a utility for consumers.

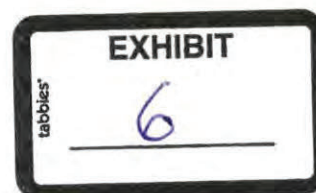
Bates said Friday that with \$50 million to be allocated in broadband expansion over the next three years, starting in 2022, legislators must take steps to regulate broadband and internet service in West Virginia for consumers.

"We're going to pass some laws, particularly if we're going to spend all this money," Bates said. "I think it's criminal.

"There's a massive amount of public funds that are going to go into this."

He said that lawmakers must take steps to ensure that consumers get quality service, price consistency and reliable customer service and to ensure that internet is regulated as other utilities under state code.

"Electricity works pretty well. I don't have too many problems with it, unless a tree falls on it," he noted. "If I turn the tap on, water comes out.



"If there's a problem with the pipe, they come up and fix it.

"When it comes to internet, it's like, um, call back.

"But it's as essential as those things. You can't operate in the modern world without access to the internet in a reliable manner, at a decent capacity."

Public Service Commission Chair Charlotte Lane said Friday that the PSC does not regulate internet service.

"The Legislature specifically says we do not regulate (internet)," said Lane. "The FCC (Federal Communications Commission) regulates internet.

"We do get a lot of complaints about Suddenlink," Lane said. "The complaints we get are a lot of outages and the problem of getting a hold of Suddenlink, getting them to come out and fix the problem, taking too long, sometimes equipment has been returned to Suddenlink, and Suddenlink doesn't give them credit on their bills.

"It runs the gamut of all sorts of consumer complaints."

Lane said the PSC regulates cable companies, although the FCC does not permit the PSC to regulate rates.

"All we can do is work on service issues and outages," she said. "We don't do rates.

"The most that we have been able to do is help customers of Suddenlink because they have cable through Suddenlink, mostly by cajoling Suddenlink into helping them."

Lane said she plans to meet with Bates on Monday to address his concerns.

Bates pointed out that Suddenlink and other companies began providing internet service after registering in the state as cable companies. While cable companies may be overseen by local franchise authorities in cities and counties, Bates said, internet is not currently included.

The pandemic forced consumers to rely on internet service for telemedicine, mental health care, groceries, online shopping, pharmaceutical deliveries, vaccine registration and education, and health care networks and school systems have had to rely on broadband to provide services.

"It's always been bad, but now it's even worse because there's more people on it," he said. "The infrastructure's not there, but they don't have any trouble charging you for it."

Although the federal CARES Act recognizes the role internet plays in the modern world by allocating funding for broadband expansion, there is still a gap in regulation that has led to a number of frustrations for many Americans, said Bates.

"I think we're starting from ground zero on this thing," he said Friday. "I don't think any states are doing a good job.

"I can remember when you didn't have it. It's not that long ago, really. So what happens is, this whole industry has grown up, and we haven't grown up with it in terms of being able to regulate it effectively, because it's run by cable companies.

"That's the rub. I'm trying to research what other places do, and I'm not having any luck."

He reported that some internet companies are sending more data along the same number of lines. According to Bates, customers have complained that Suddenlink raises rates without notification, gives different customers different rates for the same services and does not deal promptly with outages.

"The more people that are on it, the more demands that are placed on it and the less comprehensive the service, for the same amount of money," he said. "There's nobody to complain to. Where do you go? Call customer service? Then you want to complain to somebody about customer service. The only thing worse than the service is the customer service.

"It's appalling," Bates said. "They're used to having a monopoly. You have no alternative."

In his inauguration speech, Gov. Jim Justice listed broadband expansion as a major aim of his second term, stating he wants to "blanket the state" in broadband, after the pandemic exposed the need for reliable access.

Local government currently has no control over internet service, Raleigh County Commission President Dave Tolliver said Friday.

"We have a cable franchise in Raleigh County that (means) every person in Raleigh County has a cable in their house," he said. "We get a few dollars from each cable that's in a home or a business.

"How could you regulate internet? That's a good question. I would have to research that before I could think about regulating internet service, but the idea sounds good."

Tolliver said Suddenlink unexpectedly raised his residential bill from about \$184 to \$204. When his wife called, customer service refused to lower it, even though a neighbor pays \$164 for the same services.

"I think one thing that needs to be changed is, if one person pays \$170 for the service, everybody should pay the same," he said.

Beckley Mayor Rob Rappold said the city also has a franchise authority for cable in the city but that he has not been informed of any initiatives to oversee internet.

City attorney Bill File was not immediately available Friday.

In October, Justice and Republican lawmakers and Republican legislative candidates collectively pledged \$1 billion for broadband funding starting in 2021.

That \$1 billion figure included the \$766 million the state was eligible for through the FCC Rural Digital Opportunity Fund (RDOF) auction, plus \$50 million allocated from the \$1.25 billion federal CARES Act funding set aside for coronavirus expenses and a promise to allocate \$50 million for broadband expansion in the General Revenue budget every year for three years starting in fiscal year 2022.

In order to encourage companies in the state to participate in the RDOF auction, Justice had signed an executive order in September which removed regulatory caps on the West Virginia Development Authority's Broadband Loan Insurance Program.

He also ordered the Economic Development Authority under the Department of Commerce to limit the application approval from the Broadband Loan Insurance Program to no more than is necessary for the first year of the program.

RDOF Phase I auctions started Oct. 29.

In November, state lawmakers formed the West Virginia Broadband Enhancement Council to "represent diverse users of broadband, including residential and business users, from various locations throughout the state," according to the legislative website.

West Virginia was eligible to receive \$766 million through the auction. Instead, the state pulled down \$362.1 million for projects in 119,267 census tracts in late 2020. Of that amount, the largest — \$247.6 million — went to Frontier Communications.

In December, the Federal Communications Commission announced that nine companies were selected for the first phase of an auction that will bring high-speed broadband internet to unserved regions of West Virginia.

The auction allocated \$9.2 billion over a 10-year period to subsidize construction of high-speed gigabit internet in unserved rural areas across the country.

Suddenlink (Altice) won a bid for projects, along with Space Exploration Technologies Corp., Bridgeport-based Citynet, Commnet Wireless, Bruceton Mills-based Digital/PRODIGI, Bluefield, Va.-based GigaBeam, Buckhannon-based Micrologic, and Shenandoah Cable Television.

The first phase of the two-phase auction will go toward areas with no service.

The reduced pull-down, U.S. Sen. Joe Manchin told a local television station on Friday, was a result of reverse auctions, a funding strategy in which the winning bidder requires the lowest amount of support funds. Manchin said it encourages companies that are able to bring improvements to West Virginia to instead go to areas with a larger population. He reported that while Justice had planned earlier in the pandemic to allot hundreds of millions for broadband improvements, the state received only half due to reverse auctions.

"Twenty percent of the population lives in what we considered rural America; our entire state is considered rural. If they put \$10 billion to fight broadband, rural broadband would only get 2 billion," Manchin told WVNS.

He added that FCC maps which were used to distribute federal funding to areas most in need had also erroneously listed 90 percent of West Virginia as having broadband coverage — a figure that many West Virginians joined Manchin in challenging.

In December, Justice said the \$362 million was the ninth highest total support by dollar value of the states receiving RDOF funds, but with the state pulling down only \$362.1 million in the RDOF auction, lawmakers are \$387 million short of Republican members' \$1 billion pledge.

FILED
BRIAN S. DANIEL

FEB 21 2021

CIRCUIT CLERK
CLARK COUNTY, ARKANSAS

**IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION**

HONORABLE SHERRY KELLEY, MAYOR
ex rel., CITY OF GURDON, ARKANSAS,
individually and o/b/o a Class of similarly situated Cities

PLAINTIFFS

vs.

CASE NO. 10 CV-21-19

ALTICE USA, INC. d/b/a
SUDDENLINK COMMUNICATIONS

DEFENDANT

PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS

COMES NOW the Plaintiff, and for her First Set of Requests for Admissions hereby states the following:

For purposes of these Requests for Admission, the terms, "you, Defendant and Suddenlink" shall all refer to the Defendant.

REQUEST FOR ADMISSION NO. 1: Admit that the Plaintiff has never signed a written contract with Suddenlink.

REQUEST FOR ADMISSION NO. 2: Admit that the Plaintiff has never signed a written agreement with Suddenlink.

REQUEST FOR ADMISSION NO. 3: Admit that Suddenlink has never provided the Plaintiff with any written contract or agreement for services.

REQUEST FOR ADMISSION NO. 4: Admit that the Plaintiff has never received any written contract or agreement from Suddenlink.

REQUEST FOR ADMISSION NO. 5: Admit that Suddenlink advertises that it does not require contracts.

REQUEST FOR ADMISSION NO. 6: Admit that Suddenlink has represented that customers do not need a contract in order to receive internet and/or cable customers from

Suddenlink.

REQUEST FOR ADMISSION NO. 7: Admit that Suddenlink has charged and collected a “Franchise Fee” from the Plaintiff.

REQUEST FOR ADMISSION NO. 8: Admit that Suddenlink has charged and collected a franchise fee from other cities.

REQUEST FOR ADMISSION NO. 9: Admit that Suddenlink uses public rights-of-way to deliver services to customers.

REQUEST FOR ADMISSION NO. 10: Admit that Suddenlink is obligated to pay cities when it uses a city’s public rights-of-way.

REQUEST FOR ADMISSION NO. 11: Admit that Suddenlink has provided television and/or internet service to customers in over 20 Arkansas municipal governments (incorporated cities).

REQUEST FOR ADMISSION NO. 12: Admit that Suddenlink does not have a franchise agreement with the Plaintiff.

REQUEST FOR ADMISSION NO. 13: Admit that Suddenlink is required to pay Gurdon a franchise fee of 5% percent of its gross revenue, quarterly, as derived from providing services in Gurdon.

REQUEST FOR ADMISSION NO. 14: Admit that, in the last five years, Suddenlink has not paid the Plaintiff a franchise fee of 5% percent of its gross revenue, quarterly, as derived from providing services in Gurdon.

REQUEST FOR ADMISSION NO. 15: Admit that Suddenlink’s bills to customers who reside within the corporate limits of Gurdon, Arkansas contain the following language:
FRANCHISING AUTHORITY: OFFICE OF MAYOR, 103 MAPLE ST GURDON AR

71743.

REQUEST FOR ADMISSION NO. 16: Admit that Suddenlink does not maintain a local or toll-free telephone number for customer service contacts with trained company representatives available to respond to customer telephone inquiries during normal business hours;

REQUEST FOR ADMISSION NO. 17: Admit that Suddenlink does not ensure that the telephone answer time by a customer representative, including wait time, does not exceed thirty (30) seconds when the connection is made.

REQUEST FOR ADMISSION NO. 18: Admit that Suddenlink does not maintain an informal process for handling customer inquiries, billing issues, service issues and other complaints for Arkansas customers.

REQUEST FOR ADMISSION NO. 19: Admit that Suddenlink does not provide written notification to customers of changes in rates, programming services or channel positions.

REQUEST FOR ADMISSION NO. 20: Admit that, in the last year, Suddenlink did not provide customers in Arkansas written notification of changes in rates.

REQUEST FOR ADMISSION NO. 21: Admit that Suddenlink does not provide written notification to subscribers at least thirty (30) days in advance of changes that are within the control of the service provider.

REQUEST FOR ADMISSION NO. 22: Admit that Suddenlink does not currently maintain customer service center and bill payment locations in Arkansas which are open at least during normal business hours and which are conveniently located for Gurdon customers.

REQUEST FOR ADMISSION NO. 23: Admit that the majority of Suddenlink's physical locations in Arkansas have been closed to the public for over six months.

REQUEST FOR ADMISSION NO. 24: Admit that, with respect to its customers in Arkansas, Suddenlink does not provide credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

REQUEST FOR ADMISSION NO. 25: Admit that, with respect to its customers in Arkansas, Suddenlink does not issue refund checks owed to customers no later than the customer's next billing cycle or within thirty days, whichever is earlier.

REQUEST FOR ADMISSION NO. 26: Admit that within the last six months, Suddenlink has not performed standard installations for Arkansas customers within seven business days after an order was placed.

REQUEST FOR ADMISSION NO. 27: Admit that Suddenlink does not begin work on service interruptions reported by Arkansas customers promptly and no later than 24 hours after an interruption becomes known.

REQUEST FOR ADMISSION NO. 28: Admit that Suddenlink does not begin actions to correct service problems reported by Arkansas customers by the next business day after notification of the service problem.

REQUEST FOR ADMISSION NO.29: Admit that, in the last three years, over 100 Arkansas residents have filed consumer complaints with the Arkansas Attorney General's office regarding Suddenlink service problems.

REQUEST FOR ADMISSION NO.30: Admit that Suddenlink has increased the monthly charges of over 31,000 of its customers in Arkansas since March, 2020.

REQUEST FOR ADMISSION NO. 31: Admit that Suddenlink has not made quarterly franchise payments to Gurdon in the last three years.

REQUEST FOR ADMISSION NO. 32: Admit that Suddenlink has not made quarterly franchise payments to the City of Pocahontas in the last three years.

REQUEST FOR ADMISSION NO. 33: Admit that Suddenlink uses Gurdon's public rights-of-way to supply video services to customer in Gurdon.

REQUEST FOR ADMISSION NO. 34: Admit that Suddenlink uses Gurdon's public rights-of-way to supply video services to customer in Gurdon.


REQUEST FOR ADMISSION NO. 35: Admit that Suddenlink does not own any easements in Gurdon, Arkansas.

REQUEST FOR ADMISSION NO. 36: Admit that there was no Suddenlink office in Clark County which was open to the public in January, 2020.

REQUEST FOR ADMISSION NO. 37: Admit that Suddenlink has not paid the Plaintiff for using the Plaintiff's public rights-of-way to supply internet service to Gurdon residents.

REQUEST FOR ADMISSION NO. 38: Admit that on or around December 9, 2020, Suddenlink customers in Clark County were unable to contact the Arkadelphia Police Department, Arkadelphia Fire Department and the Arkadelphia City Hall.

RESPECTFULLY SUBMITTED,

By: 

TODD TURNER (#92266)

Turner & Turner, Attorneys at Law, P.A.

501 Crittenden Street

P.O. Box 480

Arkadelphia, Arkansas 71923

Ph # (870) 246-9844

Fax # (888) 866-9897

Todd@tandtlaw.net

Thomas P. Thrash (AR #80147)

Will Crowder (AR #03138)

THRASH LAW FIRM, P.A.
1101 Garland Street
Little Rock, AR 72201-1214
(501) 374-1058 / fax (501) 374-2222
tomthrash@thrashlawfirm.com
willcrowder@thrashlawfirm.com

IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION

HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
individually and o/b/o a Class of similarly situated Cities

PLAINTIFFS

vs.

CASE NO. 10 CV-21- 19

ALTICE USA, INC. d/b/a
SUDDENLINK COMMUNICATIONS

DEFENDANT

PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION

COMES NOW, the Plaintiff, and for its First Set of Interrogatories and Requests for Production hereby states the following to be answered in the manner and within the time prescribed by the Arkansas Rules of Civil Procedure:

INTERROGATORY NO. 1: State the name, address and telephone number of each and every person who participated in your responses to these Interrogatories or who aided or was consulted in the preparation of these responses.

INTERROGATORY NO. 2: State the name, address and telephone number of each and every person whom you may call as a witness at any trial or hearing in this case.

INTERROGATORY NO. 3: State the name, address and telephone number of each and every person whom you believe possesses information relevant to the allegations in the Plaintiff's Complaint.

INTERROGATORY NO. 4: State the name, address and telephone number of each and every employee, agent, or representative of SUDDENLINK who has ever had contact with

the Plaintiff. For each such person, state the following:

- a. the date of the contact;
- b. the reason for the contact; and
- c. copies of any and all documents, including photographs, statements or correspondence relating to the contact.

REQUEST FOR PRODUCTION NO. 1: Attach to your responses to these Interrogatories a copy of any and all contracts which the Plaintiff entered into with the Defendant within the past five (5) years.

REQUEST FOR PRODUCTION NO. 2: Attach to your responses to these Interrogatories a copy of any and all correspondence between you and the Plaintiff within the last five (5) years.

INTERROGATORY NO. 5: Identify each person you may call as an expert witness at the trial in this case and state for each person the following:

- a. name and address;
- b. occupation or specialty;
- c. description of qualification;
- d. number of years of experience they have in their specialty;
- e. a description or source of the information they have been employed to perform;
- f. the remuneration for which you have employed them;
- g. whether they have ever been a witness to any other lawsuit, and if so for each lawsuit, provide the name of the suit, the parties involved, the name of the Court, date of filing, and name and address of the parties for whom

they were testifying;

- h. whether they have written or recorded notes;
- i. the subject matter for which they expected to testify;
- j. the subject of and facts and opinion of which they are expected to testify;
and
- k. the grounds for each such opinion.

REQUEST FOR PRODUCTION NO. 3: Attach to your responses to these Interrogatories a copy of each and every recorded or written document prepared by any expert identified in response to the preceding Interrogatory.

REQUEST FOR PRODUCTION NO. 4: Attach to your responses to these Interrogatories a copy of the curriculum vitae for each expert identified in the response to the preceding Interrogatory.

INTERROGATORY NO. 6: Identify each person whom you or your attorneys have consulted as an expert and whom you do not expect to call as a witness, including the name and address of each such person, date of such consultation and the subject matter of the consultation.

INTERROGATORY NO. 7: State whether you have been a party in any lawsuit in Arkansas within the last five (5) years. If yes, for each such instance, state the following:

- a) the approximate filing date;
- b) the Court in which the case was filed;
- c) the docket, style and case number of the action; and
- d) the disposition of the lawsuit (i.e., amount of judgment, settlement, dismissal, etc).

INTERROGATORY NO. 8: State whether you have been a party in any lawsuit

within the last five (5) years involving franchise payments to any government entity. If yes, for each such instance, state the following:

- a) the approximate filing date;
- b) the Court in which the case was filed;
- c) the docket, style and case number of the action; and
- d) the disposition of the lawsuit (i.e., amount of judgment, settlement, dismissal, etc).

INTERROGATORY NO. 9: Identify each city in Arkansas in which you have provided telephone services pursuant to any franchise agreement in the last five (5) years.

INTERROGATORY NO. 10: Identify each city in Arkansas in which you have provided television services pursuant to any franchise agreement in the last five (5) years.

INTERROGATORY NO. 11: Identify each city in Arkansas in which you have provided internet services pursuant to any franchise agreement in the last five (5) years.

INTERROGATORY NO. 12: State the date and amount of each payment Suddenlink made to Gurdon for franchise fees for each year from 2015 through the present.

INTERROGATORY NO. 13: State the amount of franchise fees which you collected from SUDDENLINK customers within the corporate limits of Gurdon for each year from 2015 through 2020.

REQUEST FOR PRODUCTION NO. 5: Attach copies of any and all documents or correspondence which demonstrate the payments referred to in the preceding Interrogatory.

REQUEST FOR PRODUCTION NO. 6: Attach copies of any and all correspondence, from 2015 to the present, between you and Gurdon which relate to the collection of franchise fees from Suddenlink customers in Gurdon.

REQUEST FOR PRODUCTION 7: Attach copies of any and all correspondence, from 2015 to the present, between you and Gurdon which relate to Suddenlink's payment of franchise fees to Gurdon.

INTERROGATORY NO. 14: Describe in detail how you calculated the amount of franchise fees that you collected from Suddenlink customers who live within the corporate limits of Gurdon.

INTERROGATORY NO. 15: Describe in detail how you calculated the amount of franchise fees that you have paid to Gurdon in each of the last 5 years.

INTERROGATORY NO. 16: State the total amount of franchise fees that SUDDENLINK has paid to each of the following government entities for each year since 2015:

- a) City of El Dorado;
- b) City of Pocahontas;
- c) City of Cabot; and
- c) City of Arkadelphia.

REQUEST FOR PRODUCTION NO. 8: Attach a copy of any and all checks, invoices, correspondence or other documents of any kind which are relevant to any payments identified in the preceding Interrogatory.

INTERROGATORY NO. 17: State the number of consumer complaints which have been filed against Suddenlink with the Arkansas Attorney General's office since 2018 which include complaints about customer's wait times when contacting Suddenlink by telephone.

INTERROGATORY NO. 18: Identify each and every informal process for handling customer inquiries, billing issues, service issues and other complaints available to Suddenlink's customers in Arkansas.

INTERROGATORY NO. 19: State each date when Suddenlink notified television customers in Gurdon of any changes in rates in the last two years.

REQUEST FOR PRODUCTION NO. 9: Attach copies of any documents relevant to your response to the preceding Interrogatory.

INTERROGATORY NO. 20: Identify each Suddenlink service center and bill payment locations which have been open to the public in Arkansas since July 1, 2020.

INTERROGATORY NO. 21: State the number of instances when Suddenlink has participated in an arbitration with any Arkansas customer since January 1, 2020.

INTERROGATORY NO. 22 State the number of times that Suddenlink has raised the rates for video services it has provided to customers in Gurdon since January 1, 2019.

REQUEST FOR PRODUCTION NO. 10: Attach copies of any and all easements owned by Suddenlink for property located within the corporate limits of Gurdon.

INTERROGATORY NO. 23: State the number of times Suddenlink has referred any alleged debts owed by any of its Gurdon customers to an outside collection agency since January 1, 2019.

INTERROGATORY NO. 24: State the number of times Suddenlink has referred any alleged debts owed by any of its Arkansas customers to an outside collection agency since January 1, 2020.

INTERROGATORY NO. 25 State the number of times that Suddenlink has raised the rates for internet services it has provided to customers in Gurdon since January 1, 2019.

INTERROGATORY NO. 26 If you have objected to any word or phrase used in these Interrogatories or Requests for Production, state whether you have consulted with

Plaintiff's counsel about such objection.

INTERROGATORY NO. 27: State whether you agree to treat these Interrogatories as ongoing and to supplement them in the event that new or additional information becomes available.

Respectfully Submitted,
CITY OF GURDON

By:



Todd Turner (ARBIN 92266)
TURNER & TURNER, P.A.
501 Crittenden Street
P.O. Box 480
Arkadelphia, AR 71923
Telephone: (870) 246-9844
Telecopier: (888) 866-9897
todd@tandtlaw.net

Thomas P. Thrash (ARBIN 80147)
Will Crowder (ARBIN 03138)
THRASH LAW FIRM, P.A.
1101 Garland Street
Little Rock, AR 72201-1214
(501) 374-1058 / fax (501) 374-2222
tomthrash@thrashlawfirmmpa.com
willcrowder@thrashlawfirmmpa.com

THE CIRCUIT COURT OF CIRCUIT COUNTY, ARKANSAS
CIVIL DIVISION

HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
Individually and o/b/o a class of similarly situated Cities Plaintiffs

v. No: 10 CV-21-19

ALTICE USA, INC., d/b/a
SUDDENLINK COMMUNICATIONS Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

Altice USA, Inc.
c/o The Corporation Service Company
Agent for Service of Process
300 S. Spring St., Suite 900
Little Rock, AR 72201

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: Todd Turner, Attorney at Law, 501 Crittenden St., Arkadelphia, AR 71923

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional Notices: Class-Action Complaint, Exhibits, Requests for Admissions, First Set of Interrogatories and Requests for Production

CLERK OF COURT

Address of Clerk's Office
401 Clay Street
Arkadelphia, AR 71923

Sandra Petusa ²⁰¹ [Signature of
Clerk or Deputy Clerk]

Date: 2-12-21

[SEAL]



No. _____ *This summons is for ALTICE USA, INC..*

PROOF OF SERVICE

On _____ [date] I personally delivered the summons and complaint to the defendant at _____ [place]; or

After making my purpose to deliver the summons and complaint clear, on _____ [date] I left the summons and complaint in the close proximity of the defendant by _____ [describe how the summons and complaint was left] after he/she refused to receive it when I offered it to him/her; or

On _____ [date] I left the summons and complaint with _____, a member of the defendant's family at least 18 years of age, at _____ [address], a place where the defendant resides; or

On _____ [date] I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant]; or

On _____ [date] at _____ [address], where the defendant maintains an office or other fixed location for the conduct of business, during normal working hours I left the summons and complaint with _____ [name and job description]; or

I am the plaintiff or an attorney of record for the plaintiff in a lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

I am the plaintiff or attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

Other [specify]:

I was unable to execute service because:

My fee is \$ _____.

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____

[signature of server]

[printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____

By: _____

[signature of server]

[printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

Notary Public _____

My Commission Expires: _____

Additional information regarding service or attempted service:

THE CIRCUIT COURT OF CIRCUIT COUNTY, ARKANSAS
CIVIL DIVISION

HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
Individually and o/b/o a class of similarly situated Cities Plaintiffs

v. No: 10 CV-21-19

ALTICE USA, INC., d/b/a
SUDDENLINK COMMUNICATIONS Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

Altice USA, Inc.
ATTN: Michael Olsen, Secretary
#1 Court Square West
Long Island City, NY 11101

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: Todd Turner, Attorney at Law, 501 Crittenden St., Arkadelphia, AR 71923

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional Notices: Class-Action Complaint, Exhibits, Requests for Admissions, First Set of Interrogatories and Requests for Production

Address of Clerk's Office

401 Clay Street

Arkadelphia, AR 71923

[SEAL]

CLERK OF COURT

 [Signature of
Clerk or Deputy Clerk]

Date: 2-12-21



No. _____ *This summons is for ALTICE USA, INC..*

PROOF OF SERVICE

On _____ [date] I personally delivered the summons and complaint to the defendant at _____ [place]; or

After making my purpose to deliver the summons and complaint clear, on _____ [date] I left the summons and complaint in the close proximity of the defendant by _____ [describe how the summons and complaint was left] after he/she refused to receive it when I offered it to him/her; or

On _____ [date] I left the summons and complaint with _____, a member of the defendant's family at least 18 years of age, at _____ [address], a place where the defendant resides; or

On _____ [date] I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant]; or

On _____ [date] at _____ [address], where the defendant maintains an office or other fixed location for the conduct of business, during normal working hours I left the summons and complaint with _____ [name and job description]; or

I am the plaintiff or an attorney of record for the plaintiff in a lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

I am the plaintiff or attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

Other [specify]:

I was unable to execute service because:

My fee is \$ _____.

To be completed if service is by a sheriff or deputy sheriff:

Date: _____ SHERIFF OF _____ COUNTY, ARKANSAS

By: _____

[signature of server]

[printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____

By: _____

[signature of server]

[printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

Notary Public _____

My Commission Expires: _____

Additional information regarding service or attempted service:

ELECTRONICALLY FILED
Clark County Circuit Court
Brian Daniel, Circuit Clerk
2021-Mar-02 15:02:33
10CV-21-19
C09ED01 : 2 Pages

IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION

HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
individually and o/b/o a Class of similarly situated Cities

PLAINTIFFS

vs.

CASE NO. 10 CV-21-19

ALTICE USA, INC. d/b/a
SUDDENLINK COMMUNICATIONS

DEFENDANT

PROOF OF SERVICE

I, Todd Turner, attorney for the Plaintiff herein, do hereby state that a true and correct copy of the service is attached hereto reflecting service of the Summons, Complaint and Requests for Admission on The Corporation Service Company, Agent for Service of Process for Altice, USA, Inc., d/b/a Suddenlink, the Defendant named herein above.



TODD TURNER

STATE OF ARKANSAS)

COUNTY OF DALLAS)

Subscribed and sworn to before me this 2nd day of March, 2021.


NOTARY PUBLIC

My Commission Expires:

Michelle Robbins
NOTARY PUBLIC
Dallas County, Arkansas
Commission # 12402456
My Commission Expires Jan. 6, 2025

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Altice USA, Inc.
 c/o The Corporation Service Company
 Agent for Service of Process
 300 S. Spring St., Suite 900
 Little Rock, AR 72201



9590 9402 4578 8278 8841 95

2. Article Number (Transfer from service label)

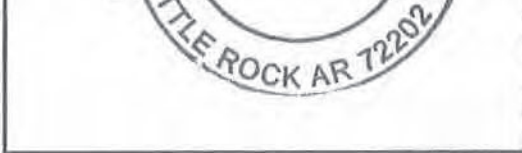
7019 0140 0000 9264 0157

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 FEB 26 2021

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No



3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

ELECTRONICALLY FILED
Clark County Circuit Court
Brian Daniel, Circuit Clerk
2021-Mar-08 10:00:14
10CV-21-19
C09ED01 : 2 Pages

IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION

HONORABLE SHERRY KELLEY, ex rel.
CITY OF GURDON, ARKANSAS,
individually and o/b/o a Class of similarly situated Cities

PLAINTIFFS

vs.

CASE NO. 10 CV-21-19

ALTICE USA, INC. d/b/a
SUDDENLINK COMMUNICATIONS

DEFENDANT

PROOF OF SERVICE

I, Todd Turner, attorney for the Plaintiff herein, do hereby state that a true and correct copy of the service is attached hereto reflecting service of the Summons, Complaint and Requests for Admission on Altice, USA, Inc., c/o Michael Olsen, Secretary, the Defendant named herein above.



TODD TURNER

STATE OF ARKANSAS)

COUNTY OF DALLAS)

Subscribed and sworn to before me this 8th day of March, 2021.



NOTARY PUBLIC

My Commission Expires:
Michelle Robbins
NOTARY PUBLIC
Dallas County, Arkansas
Commission # 12402456
My Commission Expires Jan. 6, 2025

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Altice USA, Inc.
 ATTN: Michael Olsen, Secretary
 #1 Court Square West
 Long Island City, NY 11101



9590 9402 4578 8278 8842 01

2. Article Number (Transfer from service label)

7019 0140 0000 9264 0140

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]* Agent Addressee

B. Received by (Printed Name)

MARCOS M

C. Date of Delivery

3-1-21

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

**IN THE CIRCUIT COURT OF CLARK COUNTY, ARKANSAS
CIVIL DIVISION**

HON. SHERRY KELLEY, <i>ex rel.</i>)	
CITY OF GURDON, ARKANSAS,)	
<i>individually and o/b/o a Class of similarly</i>)	
<i>situated Cities.</i>)	
)	
Plaintiff)	
)	Case No. 10 CV-21-19
v.)	
)	
ALTICE USA, INC., d/b/a SUDDENLINK)	
COMMUNICATIONS)	
)	
Defendant)	

NOTICE OF FILING OF NOTICE OF REMOVAL

TO: Clerk of the Clark County Circuit Court, Civil Division
401 Clay Street, #2
Arkadelphia, AR 71923

Defendant, Altice USA, Inc., d/b/a Suddenlink Communications, hereby gives notice, without waiving any defenses it may have, that it has filed a Notice of Removal in the United States District Court for the Western District of Arkansas, Hot Springs Division, removing this action to that Court in accordance with the provisions of 28 U.S.C. §§ 1332, 1441, and 1446.

A copy of the Notice of Removal, along with the exhibits thereto, is attached hereto as **Exhibit 1.**

Date: March 29, 2021

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Jennifer Ziegenhorn
Jennifer Ziegenhorn (AR# 93139)
736 Georgia Avenue, Suite 300
Chattanooga, TN 37402-2059
T: 901-529-3005
F: 901-523-7472
Jennifer.ziegenhorn@huschblackwell.com

McMILLAN, McCORKLE &
CURRY, LLP

By: /s/ F. Thomas Curry
F. Thomas Curry (AR# 82189)
929 Main Street
P. O. Box 607
Arkadelphia, AR 71923
T: (870) 246-2468
F: (870) 246-3851
curry@mtmc-law.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Jennifer Ziegenhorn, certify that a copy of the above and foregoing Notice of Service of Notice of Removal has been served on the attorney of record by filing the same with the Court's e-Flex filing system which will provide notice of the filing and access to a copy of the pleading to:

Todd Turner
TURNER & TURNER, P.A.
501 Crittenden Street
P.O. Box 480
Arkadelphia, AR 71923

Thomas P. Thrash
Will Crowder
THRASH LAW FIRM, P.A.
1101 Garland Street
Little Rock, AR 72201

on this 29th day of March, 2021.

/s/ Jennifer Ziegenhorn

Jennifer Ziegenhorn
Arkansas Bar #93139

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Gurdon, Ark. Mayor Files Class Action Claiming Suddenlink Ows Franchise Fees for Broadband, Cable, Internet Services](#)
