



David J. Whalen

Director of Franchising
Northeast Region

July 13, 2015

Hon. Kathleen H. Burgess, Secretary
NYS Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

RE: Amendment to Franchise – Time Warner Cable, Central New York Division
With the Town of Root - Case # 15-V-0392

Dear Secretary Burgess:

We are herewith filing, via email, the following:

1. Letter of request dated April 20, 2015 to Time Warner Cable (with a copy to the NYSPSC) for an amendment to their franchise
2. Town of Root Amendment to Franchise Resolution sent to Time Warner Cable.
3. Legal notice and affidavit of public hearing held on June 10, 2015

We hereby request approval by the Commission of this amendment to franchise.

Respectfully,

A handwritten signature in black ink, appearing to read "David J. Whalen".

David. J. Whalen
Director of Franchising

DJW/e
Enclosures

cc: Honorable Laurel Eriksen, Town Clerk (w/copy of Encs.)



TOWN OF ROOT

1048 Carlisle Road, Sprakers, New York 12166 ♦ (518) 673-3422

Date April 20, 2015

Case #15-V 0392

David J. Whalen, Director of Franchising
Time Warner Cable
120 Plaza Drive, Suite D
Vestal, NY 13850

Re: Amendment of Franchise Agreements with Time Warner Cable

Dear Mr. Whalen:

The New York State Public Service Commission approved the Renewal of the Cable Television Franchise Agreement between the Time Warner Cable NY LLC and the Town of Root on July 30, 2008, Case No. 07V-0440.

The Town of Root is writing to notify Time Warner Cable that we would like to amend Section 17 a. of our present franchise agreement (Case 07-V-0440) which expires on July 30, 2023. The Town is requesting Time Warner Cable pay to the Town a franchise fee equal to five percent (5%) of gross revenues as defined in Section 1 i. of the Agreement.

The Town also requests the payment of franchise fees be made 60 days after the end of each calendar Quarter.

It is the Town's understanding that any change to the franchise requires the Town to follow the amendment procedures found under Part 892 of the Public Service Commission's Rules.

The Town requests this language be included in Section 17 of the franchise agreement:

“Grantee shall pay to the Grantor a franchise fee in an amount equal to five percent (5%) of Grantee's Gross Revenues.”

“Payments due the Grantor under this provision shall be computed at the end of each Quarter. Payments shall be due and payable not later than 60 days after each Quarter. Each payment shall be accompanied by a brief report of Grantee's Gross Revenues for the preceding Quarter.

If you have any questions or concerns, please feel free to contact me at (518) 673-2139

Sincerely,

Gary Kamp
Town Supervisor

cc: Kathleen H. Burgess, Secretary
New York State Department of Public Service
(via email: secretary@dps.state.ny.us)

STATE OF NEW YORK
Town of Root
County of Montgomery

In the Matter of the Amendment of the Cable Television Franchise Held by **TIME WARNER NY CABLE LLC** in the Town of Root, Montgomery County, New York

BOARD MEMBER VanKersen presented RESOLUTION #5 OF 2015

An application has been duly made to the Board of the Town of Root, County of Montgomery, New York, by **TIME WARNER NY CABLE LLC** ("**Time Warner**"), a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 120 Plaza Drive, Suite D, Vestal, New York 13850 and holder of a cable television franchise in the Town of Root for the approval to amend the cable television franchise to allow the Town of Root to receive a five percent (5%) franchise fee of Time Warner Cable's Total Gross Revenue collected from cable subscribers by Time Warner Cable.

A public hearing was held in the municipality, New York on June 10, 2015 at 6:45 P.M. and a notice of the hearing was published in the Courier Standard Enterprise on May 28, 2015.

NOW, THEREFORE, THE Board of the Town of Root finds that:

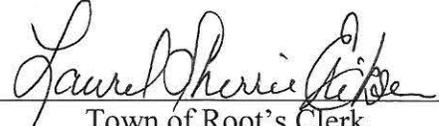
1. Section 17 a. is amended to state the following: Time Warner Cable shall pay the Town of Root an amount equal to five percent (5%) of Time Warner Cable's Gross Revenues.
2. Payments due the Grantor under this provision shall be computed and payable 60 days following the end of the quarter. Each payment shall be accompanied by a brief report of Grantee's Gross Revenues for the preceding quarter.

BE IT FURTHER RESOLVED that the Board of the town of Root hereby amends the cable television franchise of Time Warner in the Town of Root.

SECOND BY BOARD MEMBER Quackenbush.

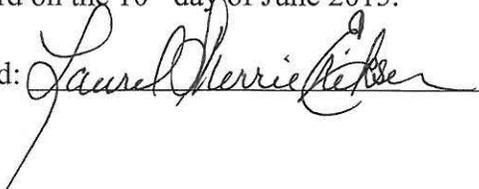
The foregoing having received a unanimous (5) vote was thereby adopted.

Dated: June 10, 2015


Town of Root's Clerk

I, Laurel Sherrie Eriksen, Town Clerk, certify that the above is a true and correct copy of the resolution #5 of 2015 as adopted by the Town Board on the 10th day of June 2015.

Date: June 10, 2015

Signed: 

AFFIDAVIT OF PUBLICATION)

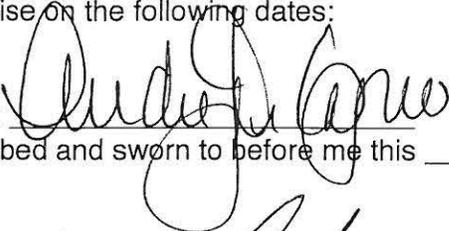
State of New York) ss.:

Montgomery County)

Audie J. DiCaprio, being duly sworn states that she resides in the Town of Amsterdam, County of Montgomery, and that she is an employee of Port Jackson Media LLC, publisher of The Courier Standard Enterprise, a weekly newspaper published in the Village of Fort Plain, NY and that the notice, a printed copy of which is hereto attached, was printed in The Courier Standard Enterprise on the following dates:

5.28.15

Signed:



Subscribed and sworn to before me this 28 day of May, 2015



Notary Public

State of New York, County of Schenectady Commission expires 3/17/18

LEGALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town of Root Town Board will hold a public hearing at 6:45 PM on June 10, 2015 for the purpose of public comment on the Time Warner Cable Contract. All persons interested in this matter shall be heard at this time.
Town of Root Town Board.
MAY-23, 5/28

Giuseppe G. Caschera
Notary Public, State of New York
Qualified in Schenectady County
Reg# 01CA6299251
Commission Expires 3/17/20 18