

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on October 13, 2016

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair  
Patricia L. Acampora  
Gregg C. Sayre  
Diane X. Burman

CASE 16-V-0359 - Petition of Time Warner Cable Northeast LLC  
for Approval of the Renewal of its Franchise  
with the Town of Wayne, Steuben County.

ORDER APPROVING RENEWAL

(Issued and Effective October 21, 2016)

BY THE COMMISSION:

INTRODUCTION

On June 8, 2016, Time Warner Cable Northeast LLC submitted an application for approval of the renewal of its cable television franchise with the Town of Wayne, Steuben County (Town). The Town authorized renewal of the franchise by Resolution of the Town Board dated February 9, 2016 after a duly noticed public hearing held on the same date. The term of the renewal is 15 years, beginning on the date that this Order is issued and effective.

The franchise renewal will serve the public interest, because it continues the availability of cable service in the community. It is approved, subject to compliance with and governed by the obligations, requirements and standards in federal and state law, rules, regulations, standards and orders.

CABLE LAW AND RULES

No renewal of a franchise is effective without the approval of the Commission (Public Service Law (PSL) §222)). Failure to conform to franchise standards established in Commission regulations does not preclude Commission approval, if the Commission finds that approval of the franchise renewal would serve the public interest; and the Commission may approve the application contingent upon compliance with the statutory and regulatory standards, terms, or conditions that are not met by the franchise renewal (PSL §222(3) and (4)). Commission regulations (16 NYCRR §891.2 and Part 895) require an application for renewal to conform to minimum standards for required contents of franchises and set forth procedural requirements for municipal review of the franchise renewal, including public notice, opportunity for comment, and a public hearing.

DISCUSSION

We determine that approval of the franchise renewal serves the public interest, as it results in the effective provision of cable service in the municipality. The franchise renewal may omit certain required provisions or contain provisions that may conflict with statutory and regulatory requirements. This Order does not identify and describe each specific omission and conflict because the principles and standards established in the law and rules apply to cable renewals, whether or not specifically identified in our orders, and a franchise agreement may not overrule, modify, or amend these minimum requirements.

Therefore, approval of the franchise renewal is conditioned upon full compliance at a minimum with these requirements, whether or not the provisions in this franchise agreement specifically state or are in conflict with these

requirements. Any franchise provision required in the Commission's rules that is omitted from the franchise agreement is added to it and incorporated in the franchise agreement by reference; and any federal and state law, rule, regulation and order, as amended, shall control the interpretation of and performance under this franchise renewal to the extent that any franchise provision does not meet the requirements in the Commission's rules or conflicts with or is inconsistent with federal and state laws, rules, regulations, and orders.

The franchise renewal agreement may contain additional provisions that are not required by the Commission's rules. Our approval of these provisions is granted to the extent that they pertain to the provision of cable service and are, and remain, consistent with PSL Article 11, our regulations, policies and orders, and applicable federal statutes and regulations. In the event of an ambiguity in any such provision or among separate provisions, the provision or provisions will be construed in the manner most favorable to the franchisor.

The Commission orders:

1. The application of Time Warner Cable Northeast LLC. for renewal of its cable television franchise to provide cable television service in the Town of Wayne, Steuben County, is approved, subject to the conditions set forth in this Order. The term of the renewal shall expire in 15 years, beginning upon the date this Order is issued and effective.

2. This Order does not in any way confer rights or privileges other than those granted in the underlying franchise; and, the certificate holder remains subject to the obligations imposed by Public Service Law Article 11, the underlying franchise and all applicable rules, regulations, and orders of this Commission.

3. This proceeding is closed.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS  
Secretary