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April 1, 2016

Via E-Mail

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RE: Case 15-M-0388 - Copy of the unredacted broadband franchise information filed by Time Warner Cable and Charter Communications February 18 or 19, 2016. Two-fold letter.

Dear Mr. Henner and Ms. Helmer:

This letter serves two purposes. First, I hereby acknowledge Mr. Henner's request of March 28, 2016 for the record(s) described above, pursuant to the Freedom of Information Law, Public Officers Law (POL) Article 6. Access to such record(s) will be determined in accordance with POL §89(5).

This letter also serves to inform Ms. Helmer's clients of the intention of the Department of Public Service (DPS) to determine the entitlement of the information contained in the record(s) described above for which the companies have sought trade secret protection to an exception from public disclosure.

However, Ms. Helmer's clients must first re-submit redacted documents with only those redactions necessary to support their request for confidential treatment. Please be advised that blanket redaction of public documents is not acceptable. Gould v. New York City Police Department, 87 NY2d 267, 275 (1996). Justification must be provided for those redactions. Thereafter, if Mr. Henner and his clients find this submission unresponsive to their March 28, 2016 request, I will proceed with a Determination of the Records Access Officer in accordance

with POL §89(5). Ms. Helmer's clients may, within 10 business days of receipt of this notification, submit a written Statement of the Necessity for such exception from disclosure pursuant to POL §89(5)(b)(1)(2).

Unless a contrary showing is made, receipt of this letter is presumed to have occurred on April 1, 2016 so the deadline for my receipt of any such written statement of necessity is April 15, 2016.

Very truly yours,

Donna M. Giliberto  
Assistant Counsel &  
Records Access Officer