

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on July 16, 1997

COMMISSIONERS PRESENT:

John F. O'Mara, Chairman
Eugene W. Zeltmann
Thomas J. Dunleavy
Maureen O. Helmer

CASE 97-V-0750 - Application of CSC Acquisition-NY, Inc. d/b/a
Cablevision for approval of a renewal of its
cable television franchise for the Village of
Quogue (Suffolk County) Initial Case No. 10262.

ORDER APPROVING RENEWAL

(Issued and Effective September 16, 1997)

BY THE COMMISSION:

The above-captioned application was submitted by CSC Acquisition-NY, Inc. d/b/a Cablevision on April 14, 1997. A copy of the same was served on the Village and all local notice requirements have been met. No comments or objections have been received.

This application is governed by Section 222 of the Public Service Law which requires our approval unless we find specific violations of law, the regulations of this Commission, or the public interest. Section 222(4) of the Public Service Law provides that we may approve the renewal contingent upon compliance with standards or conditions consistent with the public interest. Having reviewed this application in the context of all applicable statutory and regulatory standards, we have determined to approve the renewal subject to conditions as hereinafter set forth.

The application seeks our approval of a franchise renewal agreement authorized by resolution of the Village Board dated December 19, 1996 following a duly noticed public hearing held on December 4, 1996. The term of the renewal is ten years

measured from the date of Commission approval. Since there was no delay in the submission of the application, we shall approve the renewal for a period of ten years measured from the date of this order. Various matters require comment.

First, we find that the renewal agreement substantially complies with Section 595.1 of our rules. We note, however, that Section 25 of the franchise agreement which sets forth provisions pertaining to public, educational and governmental (PEG) access provides that the franchisee shall comply with the Commission's regulations pertaining to PEG access but delineates PEG access obligations which are not consistent with the minimum standards contained in Section 595.4 of our rules. We wish to make clear that the provisions of Section 25 which do not meet our minimum standards shall be superseded by the regulation and that compliance with Section 595.4 shall be a condition of this order.

We also note that the line extension provision and the language in the agreement regarding the time period in which the company will effect an installation after a request for service is made are not in compliance with our rules as set forth in Sections 595.5 and 590.91, respectively. Again, our approval herein is granted upon condition that the company comply with those provisions of our rules.

Finally, the renewal agreement contains provisions not required by Part 595 of 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 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 of the agreement, the agreement shall be construed in a manner most favorable to the franchisor.

The Commission orders:

1. Pursuant to Section 222 of the Public Service Law and the rules and regulations of this Commission, the application of CSC Acquisition-NY, Inc. d/b/a Cablevision for a renewal of

its cable television franchise for the Village of Quogue (Suffolk County) is hereby approved, subject to the terms and conditions set forth herein. The term of the renewal shall extend for a period of ten years from the date of this order.

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 Article 11 of the Public Service Law, the underlying franchise and all applicable rules, regulations and orders of this Commission.

3. This proceeding is closed.

By the Commission,

(SIGNED)

JOHN C. CRARY
Secretary