

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 19, 2011

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Robert E. Curry, Jr.
James L. Larocca

CASE 11-V-0122 - Petition of SLIC Network Solutions, Inc. for a
Certificate of Confirmation for its Franchise
with the Town of Dickinson, Franklin County.

ORDER AND CERTIFICATE OF CONFIRMATION

(Issued and Effective June 1, 2011)

BY THE COMMISSION:

INTRODUCTION

On March 28, 2010, SLIC Network Solutions, Inc. (SLIC) filed an application, pursuant to Public Service Law (PSL) §221, requesting issuance of a Certificate of Confirmation for a cable television franchise awarded by the Town of Dickinson, Franklin County. The cable franchise would authorize SLIC to offer cable television service in the Town. This service is a competitive alternative to the cable services offered by the incumbent cable and satellite providers. The Town authorized the franchise by Resolution of the Board of Trustees at a meeting held on February 17, 2011, after holding a duly noticed public hearing on the same date. The term of the franchise is ten years, beginning on the date that the Commission's order granting the Certificate of Confirmation is issued and effective.

No franchise is effective until the Commission issues a Certificate of Confirmation (PSL §221(1)). The Commission is

required to issue a certificate, unless it finds specific violations of law, Commission regulations, or the public interest (PSL §221(3)); and, it may approve the application contingent upon compliance with standards, terms, or conditions that are not met by the proposed franchise (PSL §221(4)). Commission regulations set forth the requirements for franchising procedures and franchise contents (16 NYCRR Parts 894 and 895) and for an application for a certificate of confirmation (16 NYCRR §897.2).

After reviewing this application in the context of applicable statutory and regulatory standards, it is determined that issuance of a Certificate of Confirmation for this franchise serves the public interest.

PUBLIC NOTICE

On March 2, 2011, a public notice of SLIC's application for a Certificate of Confirmation was published in a newspaper of general circulation in the Town. The notice stated that interested parties are provided an opportunity to file comments with the Commission within 10 days of the date of the notice's publication (16 NYCRR §897.2(g)), or March 12, 2011. No comments were received.

DISCUSSION

The proposed franchise complies with statutory and regulatory requirements, including rules establishing requirements for contents of franchises (16 NYCRR Part 895). The franchise serves the public interest because it will promote consumer choice and enhance competition in the cable market.

The Commission conducted an assessment of the likely environmental impact of this action when it evaluated the system that SLIC proposed to construct in Franklin and St. Lawrence

Counties to serve five towns, including the Town of Dickinson.¹ It determined at that time that the proposed action would not have a significant adverse effect on the environment and issued a negative declaration for the entire system, maintained in the Commission's files and appended to the order in that case. That Order provided that the franchisee shall obtain any necessary permits from the appropriate local, state and federal agencies including, but not limited to, the New York State Department of Environmental Conservation, Department of Transportation, Department of State and Office of Parks, Recreation and Historic Preservation. Accordingly, no further environmental review is necessary for the issuance of a Certificate of Confirmation for SLIC's franchise with the Town of Dickinson.

The proposed franchise agreement contains additional provisions not required by Part 895 of our rules. We approve these provisions to the extent that they are consistent with PSL Article 11, our regulations, policies and orders and federal statutes and regulations. In the event of any ambiguity in a 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 SLIC Network Solutions, Inc. for approval of a Certificate of Confirmation of the franchise to provide cable television service for the Town of Dickinson, Franklin County, is approved. The Certificate shall expire in ten years, commencing on the date that this Order is issued and effective.

¹ Case 10-V-0490, SLIC Network Solutions, Inc. - Town of Moira, Order and Certificate of Confirmation (issued January 21, 2011).

2. This Certificate and Order do 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,

JACLYN A. BRILLING
Secretary