

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

## PUBLIC SERVICE COMMISSION

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*Acting General Counsel*

JACLYN A. BRILLING  
*Secretary*

September 26, 2008

Time Warner-Rochester Division  
71 Mt. Hope Ave.  
Rochester, NY 14620

Supervisor  
Town of Waterloo  
66 Virginia St.  
Waterloo, NY 13165

Case #: 98-V-1008

Dear Sir/Madam:

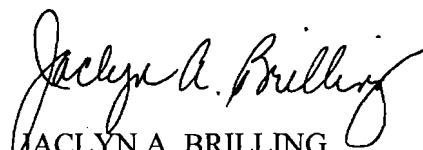
The Temporary Operating Authority under which Time Warner-Rochester Division has been providing service in the Town of Waterloo will expire October 9, 2008.

The Company and the municipality are in a franchise renewal process. The Public Service Commission has determined that it would be in the public interest to grant Temporary Operating Authority so that the Company may continue to provide cable television services during the negotiation of the franchise renewal. The expired franchise sets forth certain rights and obligations of the parties. Part 895 of our cable rules, 16 NYCRR, sets forth franchise standards which must be contained in a cable television franchise presented to the Commission for approval.

This Temporary Operating Authority is granted on condition that during the terms of this authority, the parties shall comply with all the terms and provisions of their expired franchise and all of the provisions set forth in Part 895 of our cable rules. In the event any franchise provision is inconsistent with a provision of Part 895, the provision most beneficial to the subscriber shall be controlling. Furthermore, please be advised that the Department provides consulting and mediation services that could assist the municipality and the company with their negotiations. Contact John Figliozzi, Chief of the Municipal Assistance Section at 518-474-2213 for further information concerning consultation services. For information concerning mediation services, you may refer to the Commission's Website at [http://www.dps.state.ny.us/ADR\\_Overview.html](http://www.dps.state.ny.us/ADR_Overview.html) or you may contact Jaclyn A. Brillling, Secretary to the Commission at 518-474-6530.

Subject to the conditions and understanding expressed herein, Temporary Operating Authority is hereby granted to Time Warner-Rochester Division for its operations in the Town of Waterloo, said authority to expire April 9, 2009.

By direction of the Commission,

  
JACLYN A. BRILLING  
Secretary



Mem 668, 7/17/08  
STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

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*Recommendation Approved*

September 1, 2008

TO: THE COMMISSION  
FROM: OFFICE OF TELECOMMUNICATIONS

SESSION SEP 1 2008

SUBJECT: Issuance of Temporary Operating Authorities for the cable television companies and associated municipal franchise service areas listed on Appendix 1

*JAB*

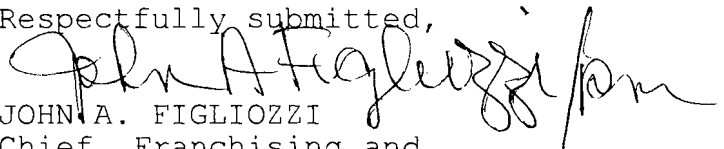
RECOMMENDATION: It is recommended that the Secretary be authorized to notify by letter directive, the grant of temporary operating authority to the companies listed on Appendix 1 to continue the provisions of cable television service in each listed municipality for an additional six month period, subject to the conditions set forth in the memorandum.

The cable television companies listed on Appendix 1 are providing cable television services within each of the municipalities listed on Appendix 1. The companies are providing cable television services in the municipalities shown pursuant to municipal franchises or Temporary Operating Authorities granted by the Commission. Those municipal franchises or Temporary Operating Authorities will expire on the dates shown in the Appendix. Each of the companies and the associated municipalities are in the process of negotiating a franchise renewal and none are expected to complete that process before the indicated expiration dates.

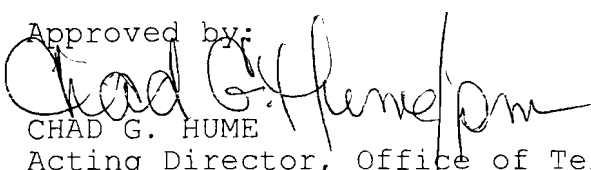
Staff believes that it is in the public interest to continue the operating authority of cable television companies during the negotiation of franchise renewal in order to ensure the continued provision of cable television services in the affected municipal franchise areas, and to mitigate the potential for adverse impacts on the cable companies' ability to continue service in the absence of formal operating authority. Accordingly, we recommend that each company listed on Appendix 1 be granted, for each municipality listed, temporary authority to continue its cable television operations for an additional six month period. The temporary operating authority should be

granted on the condition that all the terms and conditions of the recently expired franchise will continue to apply during the term of the temporary authority, as well as all of the Franchise Standards set forth in Part 895 of Subtitle 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York. In the event any franchise provision is inconsistent with a provision of Part 895, the provision most beneficial to the subscriber should be controlling.

Respectfully submitted,

  
JOHN A. FIGLIOZZI  
Chief, Franchising and  
Municipal Assistance Section

Approved by:

  
CHAD G. HUME

Acting Director, Office of Telecommunications

LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 1) Case No.: 06-V-0305  
Company Name: Time Warner-Albany Division  
Municipality Name: City of Watervliet (Albany Co.)  
TOA Expiration Date: October 11, 2008
  - 2) Case No.: 04-V-0962  
Company Name: Time Warner-Albany Division  
Municipality Name: Town of Kinderhook (Columbia Co.)  
TOA Expiration Date: October 12, 2008
  - 3) Case No.: 07-V-0028  
Company Name: Time Warner-Albany Division  
Municipality Name: Town of Queensbury (Warren Co.)  
TOA Expiration Date: September 18, 2008
  - 4) Case No.: 08-V-0100  
Company Name: Time Warner-Albany Division  
Municipality Name: Town of Horicon (Warren Co.)  
TOA Expiration Date: September 23, 2008
  - 5) Case No.: 07-V-0932  
Company Name: Time Warner-Binghamton Division  
Municipality Name: Village of Endicott (Broome Co.)  
TOA Expiration Date: October 1, 2008
  - 6) Case No.: 04-V-0961  
Company Name: Time Warner-Binghamton Division  
Municipality Name: Town of Lisle (Broome Co.)  
TOA Expiration Date: September 23, 2008
  - 7) Case No.: 05-V-0139  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Town of Cortlandville (Cortland  
Co.)  
TOA Expiration Date: October 11, 2008
  - 8) Case No.: 05-V-0140  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Town of Homer (Cortland Co.)  
TOA Expiration Date: October 11, 2008
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LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 9) Case No.: 05-V-0141  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Village of Homer (Cortland Co.)  
TOA Expiration Date: October 11, 2008
  
  - 10) Case No.: 05-V-0137  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Village of McGraw (Cortland Co.)  
TOA Expiration Date: October 11, 2008
  
  - 11) Case No.: 05-V-0138  
Company Name: Time Warner-Syracuse Division  
Municipality Name: City of Cortland (Cortland Co.)  
TOA Expiration Date: October 11, 2008
  
  - 12) Case No.: 06-V-0956  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Village of Glen Park (Jefferson  
Co.)  
TOA Expiration Date: October 11, 2008
  
  - 13) Case No.: 07-V-0935  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Town of Annsville (Oneida Co.)  
TOA Expiration Date: October 14, 2008
  
  - 14) Case No.: 05-V-0146  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Town of Fowler (St Lawrence Co.)  
TOA Expiration Date: September 23, 2008
  
  - 15) Case No.: 08-V-0900  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Town of Preble (Cortland Co.)  
Franchise Expiration Date: September 24, 2008
  
  - 16) Case No.: 08-V-0867  
Company Name: Time Warner-Syracuse Division  
Municipality Name: City of Utica (Oneida Co.)  
Franchise Expiration Date: October 1, 2008
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LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 17) Case No.: 08-V-0866  
Company Name: Time Warner-Syracuse Division  
Municipality Name: Village of Tully (Onondaga Co.)  
Franchise Expiration Date: October 1, 2008
- 18) Case No.: 97-V-0518  
Company Name: Time Warner-Hudson Valley Division  
Municipality Name: Village of Tivoli (Dutchess Co.)  
TOA Expiration Date: September 19, 2008
- 19) Case No.: 04-V-1018  
Company Name: Time Warner-Hudson Valley Division  
Municipality Name: Town of Ulster (Ulster Co.)  
TOA Expiration Date: September 21, 2008
- 20) Case No.: 08-V-0169  
Company Name: Time Warner-Hudson Valley Division  
Municipality Name: Town of Hurley (Ulster Co.)  
TOA Expiration Date: September 19, 2008
- 21) Case No.: 08-V-0170  
Company Name: Time Warner-Hudson Valley Division  
Municipality Name: Town of Esopus (Ulster Co.)  
TOA Expiration Date: September 19, 2008
- 22) Case No.: 08-V-0101  
Company Name: Time Warner-Buffalo Division  
Municipality Name: Village of Barker (Niagara Co.)  
TOA Expiration Date: September 30, 2008
- 23) Case No.: 03-V-1075  
Company Name: Time Warner-Rochester Division  
Municipality Name: City of Batavia (Genesee Co.)  
TOA Expiration Date: September 27, 2008
- 24) Case No.: 04-V-1586  
Company Name: Time Warner-Rochester Division  
Municipality Name: Village of LeRoy (Genesee Co.)  
TOA Expiration Date: September 27, 2008

LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 25) Case No.: 99-V-0576  
Company Name: Time Warner-Rochester Division  
Municipality Name: City of Rochester (Monroe Co.)  
TOA Expiration Date: September 27, 2008
  
- 26) Case No.: 07-V-0739  
Company Name: Time Warner-Rochester Division  
Municipality Name: Village of Spencerport (Monroe Co.)  
TOA Expiration Date: September 27, 2008
  
- 27) Case No.: 03-V-1076  
Company Name: Time Warner-Rochester Division  
Municipality Name: Town of Penfield (Monroe Co.)  
TOA Expiration Date: October 12, 2008
  
- 28) Case No.: 04-V-0135  
Company Name: Time Warner-Rochester Division  
Municipality Name: Town of Gaines (Monroe Co.)  
TOA Expiration Date: September 27, 2008
  
- 29) Case No.: 98-V-1008  
Company Name: Time Warner-Rochester Division  
Municipality Name: Town of Waterloo (Seneca Co.)  
TOA Expiration Date: October 9, 2008
  
- 30) Case No.: 08-V-0105  
Company Name: Time Warner-Orange County  
Municipality Name: Village of Unionville (Orange Co.)  
TOA Expiration Date: October 5, 2008
  
- 31) Case No.: 05-V-1023  
Company Name: Time Warner-Orange County  
Municipality Name: Village of New Paltz (Ulster Co.)  
TOA Expiration Date: September 21, 2008
  
- 32) Case No.: 05-V-1022  
Company Name: Time Warner-Orange County  
Municipality Name: Town of New Paltz (Ulster Co.)  
TOA Expiration Date: September 21, 2008



LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 33) Case No.: 08-V-0090  
Company Name: Time Warner-Sullivan County  
Municipality Name: Town of Rockland (Sullivan Co.)  
TOA Expiration Date: September 19, 2008
- 34) Case No.: 02-V-1065  
Company Name: Time Warner-Mount Vernon  
Municipality Name: City of Mount Vernon (Westchester  
Co.)  
TOA Expiration Date: September 23, 2008
- 35) Case No.: 08-V-0098  
Company Name: FairPoint Communications, Inc.  
Municipality Name: Village of Valatie (Columbia Co.)  
TOA Expiration Date: September 19, 2008
- 36) Case No.: 08-V-0096  
Company Name: FairPoint Communications, Inc.  
Municipality Name: Town of Kinderhook (Columbia Co.)  
TOA Expiration Date: September 19, 2008
- 37) Case No.: 08-V-0095  
Company Name: FairPoint Communications, Inc.  
Municipality Name: Town of Stuyvesant (Columbia Co.)  
TOA Expiration Date: September 19, 2008
- 38) Case No.: 08-V-0097  
Company Name: FairPoint Communications, Inc.  
Municipality Name: Village of Kinderhook (Columbia  
Co.)  
TOA Expiration Date: September 19, 2008
- 39) Case No.: 97-V-0336  
Company Name: Cablevision Systems Great Neck Corp.  
Municipality Name: Village of Kensington (Nassau Co.)  
TOA Expiration Date: October 9, 2008
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LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 40) Case No.: 97-V-0353  
Company Name: Cablevision Systems Great Neck Corp.  
Municipality Name: Village of Russell Gardens (Nassau  
Co.)  
TOA Expiration Date: October 9, 2008
- 41) Case No.: 97-V-0335  
Company Name: Cablevision Systems Great Neck Corp.  
Municipality Name: Village of Great Neck Plaza (Nassau  
Co.)  
TOA Expiration Date: October 9, 2008
- 42) Case No.: 08-V-0106  
Company Name: CSC Acquisition-NY, Inc.  
Municipality Name: Village of Lynbrook (Nassau Co.)  
TOA Expiration Date: October 6, 2008
- 43) Case No.: 07-V-0100  
Company Name: Cablevision Systems Long Island Corp.  
Municipality Name: Village of Rockville Centre (Nassau  
Co.)  
TOA Expiration Date: October 3, 2008
- 44) Case No.: 05-V-1008  
Company Name: Cablevision Systems of Ossining  
Municipality Name: Village of Ossining (Westchester  
Co.)  
TOA Expiration Date: October 14, 2008
- 45) Case No.: 05-V-1007  
Company Name: Cablevision Systems of Ossining  
Municipality Name: Town of Mount Pleasant (Westchester  
Co.)  
TOA Expiration Date: September 26, 2008
- 46) Case No.: 05-V-0172  
Company Name: Cablevision Systems Westchester Corp.  
Municipality Name: Village of Bronxville (Westchester  
Co.)  
TOA Expiration Date: October 1, 2008

LIST OF CABLE TELEVISION COMPANIES AND  
MUNICIPALITIES WITH EXPIRING FRANCHISES  
OR TEMPORARY OPERATING AUTHORITIES

- 47) Case No.: 03-V-1732  
Company Name: Comcast Cable of New York, Inc.  
Municipality Name: Village of Brewster (Putnam Co.)  
TOA Expiration Date: September 21, 2008

