

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on September 19, 2007

COMMISSIONERS PRESENT:

Patricia L. Acampora, Chairwoman  
Maureen F. Harris  
Robert E. Curry, Jr.  
Cheryl A. Buley

CASE 07-V-0532 – Petition of the City of New York for a Waiver of the Requirements  
of 16 NYCRR Section 891.2(b)(2).

ORDER GRANTING PETITION FOR WAIVER

(Issued and Effective October 10, 2007)

BY THE COMMISSION:

INTRODUCTION

On May 8, 2007, the City of New York, filed a petition for waiver of the  
deadline for completion of the public comment process required by the Commission's  
rules relative to cable television franchising.

PUBLIC NOTICE

The waiver of a rule is subject to the State Administrative Procedure Act  
and, accordingly, a Notice of Proposed Rulemaking was published in the State Register  
on June 13, 2007. No comments have been received.

BACKGROUND

The request seeks a waiver of 16 NYCRR Section 891.2(b)(2), which  
provides that a municipality shall commence a process, which affords the public in the  
franchise area, appropriate notice and participation for the purpose of reviewing the  
performance of the cable company during the current franchise term. The rule provides

that the public comment process must be completed on or before the first day of the fifteenth month prior to the expiration date of the franchise.

The petition also seeks a waiver of the comment period deadline because the City Charter requires a public hearing and public comments prior to a final vote by the Franchise and Concession Review Committee (FCRC) on franchise renewals.

### DISCUSSION

The City of New York wishes to waive the deadline for receiving public comment on the proposed franchise to afford the large, diverse population in the City additional time to attend public meetings on the franchise and offer comments. In addition, the City must follow its own Charter to provide a public hearing and receive comments before a vote by the FCRC.

In light of the large, diverse population of the City and City's concern about getting up-to-date information from residents before approving cable television franchises, it is in the public interest to allow a waiver of 16 NYCRR Section 891.2(b)(2) to allow additional time for public comments and to meet the requirements of the City Charter. Accordingly, the waiver is approved under Public Service Law, Section 216(1) and 216(5).

### The Commission orders:

1. Pursuant to Sections 216(1) and 216(5) of the Public Service Law, the petition of the City of New York for waiver of 16 NYCRR Section 891.2(b)(2) is hereby granted.
2. This proceeding is closed.

By the Commission

(SIGNED)

JACLYN A. BRILLING  
Secretary