

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on June 19, 2002

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 99-V-1532 - Application of Time Warner Entertainment-
Advance/Newhouse Partnership f/k/a Cablevision
Industries, Inc. d/b/a Time Warner
Entertainment-Advance/Newhouse Partnership for
approval of the renewal of its cable television
franchise for the Village of Palmyra (Wayne
County).

ORDER APPROVING RENEWAL

(Issued and Effective October 1, 2002)

BY THE COMMISSION:

The above-captioned application was submitted by Time
Warner Entertainment-Advance/Newhouse Partnership, f/k/a
Cablevision Industries, Inc. d/b/a Time Warner Entertainment-
Advance/Newhouse Partnership on May 1, 2002. A copy of the same
was served on the Village and all local notice requirements were
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, Commission regulations or the public
interest. Section 222(4) of the statute provides that we may
approve the renewal contingent upon compliance with standards or
conditions consistent with the public interest. Having reviewed
the application in the context of 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 authorized by the Village of Palmyra by resolution of the Village Board of Trustees dated December 17, 2001 after a duly noticed public hearing held on November 13, 2001. The term of the renewal is ten years measured from the date of this order.

The renewal agreement substantially complies with Section 595.1 of the Commission's rules at 9 NYCRR, except as noted.

First, the definition of "gross receipts" in Section 1.8 of the agreement excludes "any other taxes or fees, which are imposed on the Franchisee or any subscriber by any governmental unit and collected by the Franchisee for such governmental unit." To the extent that this clause may also exclude franchise fees from the calculation of gross receipts, Section 595.1(o) of our rules requires that the revenue base not be less than the revenues received directly from subscribers for any cable services purchased on a regular, recurring monthly basis. Therefore, franchise fees are to be included as part of the revenue base when calculating franchise fees pursuant to Section 18.1 of the agreement.

Second, the order will be granted upon condition that the franchisee comply with the minimum standards for public, educational and governmental (PEG) access contained in Section 595.4 of our rules.

Finally, the franchise agreement contains additional provisions not required by Part 595 of the Commission's rules. Our approval of these provisions will be 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, the provision will be construed in the 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 Time Warner Entertainment-Advance/Newhouse Partnership f/k/a Cablevision Industries, Inc. d/b/a Time Warner Entertainment-Advance/Newhouse Partnership for renewal of its cable television franchise for the Village of Palmyra (Wayne County) is hereby approved, subject to the conditions set forth herein. The term of the renewal shall expire 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)

JANET HAND DEIXLER
Secretary