

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 21, 2007

COMMISSIONERS PRESENT:

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

CASE 05-V-1388 - Application of Mid-Hudson Cablevision, Inc. for
Approval of the Renewal of its Cable Television
Franchise for the Village of Philmont (Columbia
County).

ORDER APPROVING RENEWAL

(Issued and Effective May 1, 2007)

BY THE COMMISSION:

The above-captioned application was submitted by Mid-Hudson Cablevision, Inc. on February 12, 2007. It is identical to the application originally served on the Town of Claverack in December, 2004 to which the Village had, by formal resolution, dated February 20, 1980 and effective to date, delegated authority to act on behalf of the Village in all matters involving cable service. In fact, the Town of Claverack has been granted the "responsibility and authority to act on the Village's behalf on all cable matters." A copy of the application was served on the Town. 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 Town of Claverack by Resolution of the Town Board dated September 12, 2005 after a duly noticed public hearing held on May 9, 2005. The term of the renewal is ten years measured from December 13, 2004.

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

First, Section 4 of the agreement pertaining to rates, is not consistent with Section 895.1(e) of our rules, which requires that any rates and charges be subject to regulation in accordance with federal law. It will be a condition of this order that Section 895.1(e) be deemed a part of the renewal agreement as if specifically set forth therein.

Second, Section 14 of the proposed agreement states, "Mid-Hudson Cablevision's franchise shall run for a term of ten (10) years from January 7, 2005 through January 7, 2015." This does not coincide with the term approved by the Town Board in its resolution of September 12, 2005, namely, a ten-year period commencing December 13, 2004. This inconsistency shall be reconciled in favor of the specific period set forth in the Town Board's resolution.

Third, Section 895.1(d) of our rules requires that access to a cable system may not be denied to any group of potential residential subscribers based on income. It is a condition of our approval that Section 895.1(d) be deemed a part of the franchise agreement as if specifically set forth therein.

Finally, language used in Section 20 of the proposed agreement might be interpreted to authorize modification of the franchise agreement merely by agreement between the parties. We remind the parties that material modifications of the agreement constituting franchise amendments are subject to Section 222 of

the Public Service Law and Subpart 892-1 of our rules and require our approval.

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 any further ambiguities in any such provisions, or among separate provisions, such provisions 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 Mid-Hudson Cablevision, Inc. for renewal of its cable television franchise for the Village of Philmont (Columbia County) is hereby approved, subject to the conditions set forth herein. The term of the renewal is ten years measured from December 13, 2004.

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)

JACLYN A. BRILLING
Secretary