

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on October 15, 2008

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman  
Patricia L. Acampora  
Maureen F. Harris  
Robert E. Curry, Jr.

CASE 04-V-0121 - Application of Atlantic Broadband (Penn) LLC for Approval of the  
Renewal of its Cable Television Franchise for the Town of Little  
Valley (Cattaraugus County).

ORDER APPROVING RENEWAL

(Issued and Effective November 5, 2008)

BY THE COMMISSION:

The above-captioned application was submitted by Atlantic Broadband (Penn) LLC on July 21, 2008. A copy of the same was served on the Town of Little Valley 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 Town of Little Valley by Resolution of the Town Board dated May 12, 2008 after a duly noticed public hearing held on April 23, 2008. The term of the renewal is 10 years measured from the date of this order.

The renewal agreement substantially complies with Section 895.1 of the Commission's rules, except as noted below.

This order will be granted upon condition that the franchisee comply with minimum consumer protection and customer service standards set forth in Parts 890 and 896 of the Commission's rules, the minimum standards for public, educational and governmental (PEG) access contained in Section 895.4 thereof, and line extension standards contained in Section 895.5 of our rules.

In addition, Section 895.1(t) of the Commission's rules requires a provision in the franchise that any valid reporting requirements in the franchise may be satisfied with system-wide statistics except those related to franchise fees and customer complaints. It is a condition of our approval that Section 895.1(t) be deemed a part of the agreement as if specifically set forth therein.

The franchise agreement contains additional provisions not required by Part 895 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 Atlantic Broadband (Penn) LLC for renewal of its cable television franchise for the Town of Little Valley (Cattaraugus County) is hereby approved, subject to the conditions set forth herein. The term of the renewal is 10 years measured 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)

JACLYN A. BRILLING  
Secretary