



Control Number: 38325



Item Number: 6

Addendum StartPage: 0

PROJECT NO. 38325

**APPLICATION OF TIME WARNER
CABLE TO AMEND ITS STATE-
ISSUED CERTIFICATE OF
FRANCHISE AUTHORITY**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RECOMMENDATION

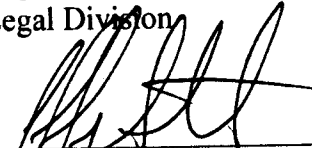
Commission Staff recommends approval of the application, based on the attached memorandum of Gordon Van Sickle.

Dated: June 16, 2010

Respectfully Submitted,

Thomas S. Hunter
Division Director
Legal Division

Keith Rogas
Deputy Division Director
Legal Division




Jeffrey B. Stuart
Attorney-Legal Division
State Bar No.24066160
(512) 936-7442
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

FILED
JUN 16 11:04:42
2010

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 16, 2010, in accordance with P.U.C. Procedural Rule 22.74.



Jeffrey B. Stuart

Public Utility Commission of Texas

Memorandum

TO: Docket Management

FROM: Gordon H. Van Sickle, Senior Analyst – Infrastructure Reliability Division *MSH/BC*

DATE: June 16, 2010

SUBJECT: Project No. 38325: *Application of Time Warner Cable to Amend its State-Issued Certificate of Franchise Authority (SICFA)*

Summary of Conclusions and Recommendations

Commission Staff (Staff) finds that the amendment application of Time Warner Cable (TWEANP – Austin) to amend its service area footprint by adding the service area of the city limits of Vidor, Texas is sufficient and complete. Staff finds this application meets the criteria for granting an amendment to an existing State-Issued Certificate of Franchise Authority (SICFA), pursuant to the Public Utility Regulatory Act (TEX. UTIL. CODE ANN. §§66.003 – 66.015) (PURA). Staff recommends that Time Warner Cable be granted an amendment to its existing SICFA (SICFA No. 90008) to provide cable services for the following service area footprint:

ADDITION of the city limits of Vidor, Texas.

If approved, the Applicant has requested that the name on its SICFA No. 90008 remain “Time Warner Cable”.

Background Information on Application

On June 2, 2010, Time Warner Cable filed for an amendment to its existing SICFA No. 90008. Order No. 1 was issued on June 3, 2010, establishing a procedural schedule, and filing and service procedures.

Sufficiency and Completeness

Title Page – Provided Requested Information – Completed Authorized Representative, Regulatory and Emergency Contact information.

Affidavit – Signed by an Officer of the company – Mr. Ron McMillan – Regional Vice President of Government Affairs – Texas Region.

Question #1 – Certification Request – Cable Service Provider. AMENDMENT – Service Area Addition.

Question #2 – Primary Contact Information – Provided principal office address, primary contact information and a list of company principal officers.

Question #3 – Certificate Name: “No Change” - “Time Warner Cable”.

A check of the Texas Secretary of State’s Business Organization Inquiries shows Time Warner Entertainment & Advance Newhouse (d/b/a Time Warner Cable) as a General Partner that is registered in individual counties in Texas.

A check of the Texas Comptroller’s Office concerning the Franchise Tax Account Status for Time Warner Entertainment & Advance Newhouse (d/b/a Time Warner Cable) (Taxpayer ID# 11337904335) revealed the following: **IN GOOD STANDING NOT FOR DISSOLUTION OR WITHDRAWAL through November 15, 2010.**

Question #4 – Municipal Franchise Terminations – A Municipal expiration date is involved in this project. The municipal franchise for the City of Vidor, Texas expires on June 24, 2010. This expiration date falls within the minimum 17-business day allowance for filing a SICFA amendment, therefore this amendment application is eligible for processing as stated in Substantive Rule §28.6(c)(2).

Question #5 – Service Area Footprint – Applicant has requested to provide service using the following footprint:

Existing Service Area Footprint:

City Limits of: Beaumont, Bellmead, Belton, Benavides, Bertram, Beverly Hills, Briarcliff, Bridge City, Bruceville-Eddy, Buda, Burnet, Carrizo Springs, Clint, Columbus, Combes, Cotulla, Crystal City, Del Rio, Dilley, Dripping Springs, El Paso, Elgin, Escobares, Fredericksburg, Gonzales, Groves, Harker Heights, Hays, Hewitt, Holland, Holliday, Horizon City, Horseshoe Bay, Kempner, Kerrville, Killeen, Kountze, Lacy Lakeview, Lago Vista, Laredo, Leander (excluding the Crystal Falls Subdivision), Liberty Hill, Lockhart, Lumberton, Marble Falls, Mountain City, Mustang Ridge, Nederland, Niederwald, Orange, Palm Valley, Pearsall, Pflugerville, Port Neches, Rancho Viejo, Robinson, Rollingwood, Rose Hill Acres, Round Rock, San Diego, San Juan, San Leanna, San Marcos, Smithville, Staples, Socorro, South Padre Island, Temple, The Hills, Thorndale, Thrall, Uvalde, Waco, West Orange, and Yoakum, Texas.

County Limits of: Unincorporated areas of Archer, Atascosa, Bastrop, Bee, Bell, Brooks, Burnet, Caldwell, Calhoun, Cameron, Chambers, Clay, Colorado, Dewitt, Dimmit, Duval, El Paso, Frio, Gonzales, Hardin, Hays, Hidalgo, Jefferson, Jim

Wells, Kerr, La Salle, Lavaca, Live Oak, Maverick, McLennan, Nueces, Orange, Refugio, San Patricio, Starr, Travis, Uvalde, Val Verde, Webb, Wichita, Willacy, Williamson, Zapata, and Zavala Counties excluding any federal properties.

Requested Service Area Footprint:

Municipal/City/Town/Village Limits: City Limits of Vidor, Texas.

Question #6 – Notification of Termination and Copy of Court Orders: Applicant provide a statement agreeing to provide the Commission with written notification of its SICFA termination and the applicant also agreed to provide the Commission with a copy of any Court Order or ruling concerning its SICFA.