



Control Number: 39629



Item Number: 5

Addendum StartPage: 0

PROJECT NO. 39629

APPLICATION OF TIME WARNER § PUBLIC UTILITY COMMISSION
CABLE TO AMEND ITS STATE- §
ISSUED CERTIFICATE OF §
FRANCHISE AUTHORITY; TO ADD § OF TEXAS
CITY OF BROWNSVILLE, TEXAS §

COMMISSION STAFF'S RECOMMENDATION

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

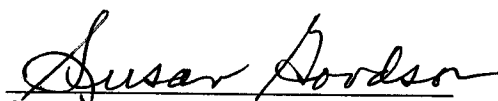
Dated: August 10, 2011

Respectfully Submitted,

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Division Director-Legal Division

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Karen S. Hubbard
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 10, 2011, in accordance with P.U.C. Procedural Rule 22.74.


Susan E. Goodson

Public Utility Commission of Texas

Memorandum

TO: Docket Management

FROM: Gordon H. Van Sickle, Senior Analyst – Infrastructure Reliability Division *GVS*

DATE: August 10, 2011 *PO*

SUBJECT: Project No. 39629: *Application of Time Warner Cable to Amend its State-Issued Certificate of Franchise Authority; to Add the City of Brownsville, Texas*

Summary of Conclusions and Recommendations

Staff (Staff) of the Public Utility Commission of Texas finds that the amendment application of Time Warner Entertainment & Advance/Newhouse Partnership d/b/a Time Warner Cable to amend its service area footprint by adding the service area of the city limits of Brownsville, 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 Brownsville, Texas.

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

Background Information on Application

On July 27, 2011, Time Warner Cable filed for an amendment to its existing SICFA No. 90008. Order No. 1 was issued on July 28, 2011, 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 Relations - Texas Region.

Question #1 – Certification Request – Cable Service Provider. AMENDMENT – Service Area Addition - City Limits of Brownsville, Texas.

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 August 15, 2011.**

Question #4 – Municipal Franchise Terminations – A municipal expiration date is involved in this project. The municipal franchise for the City of Brownsville, Texas expired on July 23, 2011. This expiration date falls outside the filing prohibition of 16 business days prior to the municipal franchise expiration date 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: Alamo, Austin, Beaumont, Bee Cave, Bellmead, Belton, Benavides, Bertram, Beverly Hills, Briarcliff, Bridge City, Bruceville-Eddy, Buda, Burnet, Carrizo Springs, Cedar Park, Clint, Columbus, Combes, Cotulla, Crystal City, Del Rio, Dilley, Dripping Springs, El Paso, Elgin, Escobares, Fredericksburg, Gonzales, Groves, Harker Heights, Hays, Hewitt, Hidalgo, Holland, Holliday, Horizon City, Horseshoe Bay, Kempner, Kerrville, Killeen, Kountze, Lacy Lakeview, Lakeside City, Lago Vista, Laredo, La Villa, Leander (excluding the Crystal Falls Subdivision), Liberty Hill, Lockhart, Lumberton, Marble Falls, Mathis, Mountain City, Mustang Ridge, Nederland, Niederwald, Orange, Palm Valley, Palmview, Pearsall, Pflugerville, Pharr, Port Neches, Rancho Viejo, Rio Bravo, Robinson, Rollingwood, Rose Hill Acres, Round Rock, San Diego, San Juan, San Leanna, San Marcos, Smithville, Socorro, South Padre Island, Staples, Temple, The Hills, Thorndale, Thrall, Uvalde, Vidor, Waco, Weslaco, West Lake Hills, West Orange, Wichita Falls, 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 of: Brownsville, 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.