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Chairman

**Kenneth W. Anderson, Jr.**  
Commissioner

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Commissioner

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Executive Director



**Rick Perry**  
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## *Public Utility Commission of Texas*

12 MAY 17 AM 11:53  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**TO: All Parties of Record**

**Andrew Kang, Administrative Law Judge**

**FROM: Stephen Journey, Director**  
**Commission Advising and Docket Management**

**RE: *Application of Time Warner Cable to Amend its State-Issued Certificate of Franchise Authority; to Add the City of Corpus Christi, Texas, Docket No. 40227; Motion for Rehearing.***

**DATE: May 17, 2012**

Time Warner Entertainment-Advance/Newhouse Partnership Cable d/b/a Time Warner Cable filed on March 15, 2012 an application to amend its state-issued certificate of franchise authority. The administrative law judge dismissed the application without prejudice to refiling.<sup>1</sup> Time Warner filed an appeal of the dismissal under P.U.C. PROC. R. § 22.123 on April 16. The appeal was balloted to the commissioners, but no commissioner voted to add the appeal to any open meeting agenda. Consequently, the appeal was "deemed denied" under P.U.C. PROC. R. § 22.123(a)(7)(A).

On May 16, Time Warner filed a motion for rehearing to "ask[] the Commission to reconsider its denial of Time Warner's appeal."<sup>2</sup> Under P.U.C. PROC. R. § 22.123, the Commission has no ability to consider an appeal that has been denied by that rule. Further, there was no action by the Commission to deny the appeal subject to a motion for rehearing. That no individual commissioner voted to add the appeal to an open meeting agenda does not constitute an action by the Commission. The deemed denial of the appeal by rule was also not an action of the Commission.

Accordingly, the commissioners will not be balloted on Time Warner's motion for rehearing.

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<sup>1</sup> Order No. 2 (Apr. 6, 2012).

<sup>2</sup> Time Warner's Motion for Rehearing at 2 (May 16, 2012).