

Control Number: 48567



Item Number: 5

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2018 AUG 15 AM 9:41
PUBLIC UTILITY COMMISSION
FILED CLERK

APPLICATION OF FRIENDSHIP §
CABLE OF TEXAS, INC. DBA §
SUDDENLINK COMMUNICATIONS §
FOR AN AMENDMENT TO A STATE- §
ISSUED CERTIFICATE OF §
FRANCHISE AUTHORITY §

PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S APPLICATION SUFFICIENCY RECOMMENDATION AND RECOMMENDATION ON FINAL DISPOSITION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 1, Staff's Application Sufficiency Recommendation and Recommendation on Final Disposition. Staff recommends that the application be deemed sufficient and furthermore that the application be approved. In support thereof, Staff shows the following:

I. BACKGROUND

On August 3, 2018, Friendship Cable of Texas, Inc. d/b/a Suddenlink Communications (Suddenlink) filed an application to amend State-Issued Certificate of Franchise Authority (SICFA) No. 90023, pursuant to Public Utility Regulatory Act¹ (PURA) §§ 66.001-66.016. Suddenlink seeks to expand its service area footprint to include the city limits of Annona, Texas.

In Order No. 1, issued August 7, 2018, Staff was given a deadline of August 17, 2018, to file a recommendation on the administrative completeness of the application. This pleading is therefore timely filed.

II. RECOMMENDATION ON APPLICATION SUFFICIENCY

After reviewing the application, and as described in the attached memorandum of Gordon Van Sickle of the Competitive Markets Division, Staff has determined that Suddenlink has provided the information required under 16 Texas Administrative Code (TAC) § 28.6. Staff therefore recommends that the application be found sufficient and complete.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.302 (West 2016 & Supp. 2017), §§ 59.001-66.016 (West 2007 & Supp. 2017) (PURA).

III. RECOMMENDATION ON FINAL DISPOSITION

As further described in the attached memorandum of Mr. Van Sickle, Staff has determined that Suddenlink's application meets the requirements of PURA §§ 66.001-66.016 and 16 TAC § 28.6. Therefore, Staff recommends that the application be approved.

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that Suddenlink's application be deemed sufficient and furthermore that it be approved as filed.

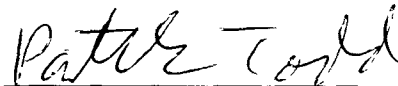
Dated: August 15, 2018

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

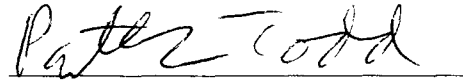
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PROJECT NO. 48567
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 15, 2018, in accordance with 16 TAC § 22.74.



Patrick D. Todd

Public Utility Commission of Texas

Memorandum

TO: Patrick Todd - Attorney
Legal Division

FROM: Gordon H. Van Sickle - Senior Utility Analyst
Competitive Markets Division

DATE: August 17, 2018

SUBJECT: Project No. 48567 - *Application of Friendship Cable of Texas, Inc. d/b/a Suddenlink Communications for an Amendment to a State-Issued Certificate of Franchise Authority*

RECOMMENDATION

On August 3, 2018, Friendship Cable of Texas, Inc. d/b/a Suddenlink Communications (Suddenlink Communications or the Company) filed an application under the Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 59.001-66.016 (West 2007 & Supp. 2017) (PURA) and 16 Texas Administrative Code (TAC) § 28.6 to amend its State-Issued Certificate of Franchise Authority (SICFA) No. 90023. Suddenlink Communications seeks to expand its service area footprint to include the city limits of Annona, Texas.

On August 7, 2018, Order No. 1, *Establishing Procedural Schedule and Filing and Service Procedures* was issued. Order No. 1 required Commission Staff (Staff) to file its recommendation regarding the sufficiency and approval of the application on or before August 17, 2018.

Analysis

Pursuant to PURA § 66.003, an entity or person seeking to provide cable and video service in this state shall file an application for a SICFA with the Commission as required by this section. An entity providing cable and/or video service under a franchise agreement with a municipality is not subject to this subsection with respect to such municipality until the franchise agreement is terminated under PURA § 66.004 or until the franchise agreement expires. A municipal expiration date of July 5, 2018 is involved in this application. Since this municipal expiration date is before the order to approve or dismiss the application date of August 27, 2018, Staff concludes that the Company is eligible to amend its SICFA to include the city limits of Annona, Texas.

Pursuant to 16 TAC § 28.6(e), an applicant must provide a completed application which shall include the following items:

- (1) an affidavit signed by an officer or general partner affirming that:
 - (A) the applicant has or will timely file all forms with the Federal Communications Commission required from entities seeking to provide cable or video services;
 - (B) the applicant agrees to comply with all applicable federal and state statutes and regulations;
 - (C) the applicant agrees to comply with all applicable municipal regulations regarding the use and occupation of public rights-of-way;
 - (D) all statements made in the application are true and correct;
- (2) a description of service area footprint requested;
- (3) street address and telephone number of the applicant's principal place of business;
- (4) name, addresses, and telephone number of an authorized representative, a regulatory contact, an emergency contact; and
- (5) names of the applicant's principal executive officers.

Suddenlink Communications has complied with 16 TAC § 28.6(e) by providing the required affirmations, acknowledgements and information in its application.

Pursuant to 16 TAC § 28.6(f), the name on the SICFA certification must be properly registered with state agencies. Suddenlink Communications has met this requirement by properly registering its certificated name with the Texas Secretary of State and the Texas Comptroller.

Pursuant to 16 TAC § 28.6(g)(3), an applicant must file an application to amend the existing SICFA with the Commission prior to any such change. Suddenlink Communications has met this requirement with the filing of this application for an amendment to SICFA No. 90023.

Conclusion

After reviewing this application, Staff concludes that Suddenlink Communications provided the information required under 16 TAC § 28.6 to amend SICFA No. 90023 to reflect the expansion of its service area to include the city limits of Annona, Texas. Staff recommends that Suddenlink Communications' application for an amendment to SICFA No. 90023 be approved as filed.

If you have any questions, please contact Mr. Gordon Van Sickle at 512-936-7343.