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Public Utility Commission of Texas

**TO: Time Warner Cable
Ron McMillan**

**Legal Division
Infrastructure Reliability Division**

**FROM: Andrew Kang
Administrative Law Judge**

**RE: Project No. 40462 – Application of Time Warner Cable for or Amendment to a
State-Issued Certificate of Franchise Authority**

NOTICE OF APPROVAL

This Notice addresses the application of Time Warner Entertainment-Advance/Newhouse Partnership d/b/a Time Warner Cable (the Applicant) filed with the Public Utility Commission of Texas (Commission) on June 5, 2012, to expand its service area footprint to include the municipality of Corpus Christi, Texas. Commission Staff recommended approval of the application. The application is approved.

Findings

1. The application complies with PURA¹ §§ 66.003 and 66.004² and P.U.C. SUBST. R. 28.6.
2. The Applicant is entitled to approval of this application, having submitted a sworn affidavit which complies with PURA § 66.003(b).

¹ The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001–66.016 (Vernon 2007 & Supp. 2011) (PURA).

² The United States District Court for the Western District of Texas issued a judgment invalidating most of PURA § 66.004. *Texas Cable Association v. Hudson*, No. A-05-CV-721-LY (W.D. Tex. May 31, 2012). The remaining enforceable portion of § 66.004 states:

Beginning September 1, 2005, a cable service provider or video service provider may elect to terminate that municipal franchise and seek a state-issued certificate of franchise authority by providing written notice to the commission and the affected municipality. The municipal franchise is terminated on the date the commission issues the state-issued certificate of franchise authority.

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3. In its application, Applicant stated its agreement to provide the Commission with a written notice of termination of its SICFA.
4. In its application, the Applicant stated its agreement to provide the Commission a copy of any court order in which its SICFA has been revoked or modified by a court of competent jurisdiction.
5. The Applicant does not seek to terminate an existing cable and/or cable and video franchise agreement with a city.

Ordering Paragraphs

1. The application of Time Warner Cable to amend its SICFA No. 90008 as requested is approved. The Applicant's SICFA is amended to expand its service area footprint to include municipality of Corpus Christi, Texas.
2. The name on SICFA No. 90008 shall remain Time Warner Cable.
3. Pursuant to 47 C.F.R. § 76.952, the Commission may direct certificate holders not to include its name on their monthly billing inserts as the local franchising authority. Because the Commission does not have the same authority to consider and resolve customer complaints, as did municipal franchising authorities, the Commission directs certificate holders not to include its name, address, and telephone number on monthly bills to subscribers.
4. All other motions, requests for entry of specific findings of fact and conclusions of law, any other requests for general relief or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the  day of June 2012.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE