

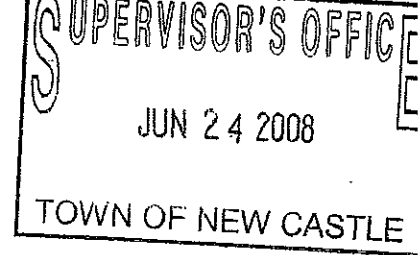
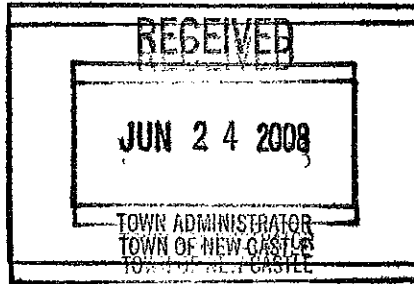
STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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At a session of the Public Service
Commission held in the City of
Albany on June 18, 2008

COMMISSIONERS PRESENT:

Garry A. Brown, Chairman
Patricia L. Acampora
Maureen F. Harris
Robert E. Curry, Jr.
Cheryl A. Buley



CASE 08-V-0575 - Petition of Verizon New York Inc. for a Certificate of Confirmation
for its Franchise with the Town of New Castle, Westchester County.

ORDER AND CERTIFICATE OF CONFIRMATION

(Issued and Effective June 20, 2008)

BY THE COMMISSION:

BACKGROUND

The above-captioned application was submitted by Verizon New York Inc. (Verizon or franchisee) on May 16, 2008. A copy of same was served on the franchisor, the Town of New Castle, Westchester County (local franchising authority [LFA] or Town). All local notice requirements were met.

This application is governed by Section 221 of the Public Service Law (PSL), which requires our approval of a Certificate of Confirmation unless we find specific violations of law, Commission regulations, or the public interest. Section 221(4) of the PSL provides that we may approve the application contingent upon compliance with certain standards, terms or conditions set by the Commission. After reviewing the subject petition, in the context of the applicable statutory and regulatory standards, we have determined to approve the Certificate of Confirmation subject to the clarifications and/or conditions set forth herein. Because this confirmation will promote consumer

telecommunications network with FTTP. We have assessed the environmental impact of our action on the entire franchise area. The action here is limited to the confirmation of a cable franchise which authorizes the construction of equipment used exclusively for cable television service and the offering for hire of broadcast programming. The offering of broadcast programming may result in an increase in requests for fiber drop wires and limited extensions of the already upgraded FTTP network. This incremental installation activity will be associated with customers that presumably already have service from Verizon. Verizon has represented to staff that much of the fiber optic cable is already installed within the Town. Moreover, Verizon has represented that any additional exclusively cable-related equipment necessary to provide cable service will be installed within existing Verizon central offices and that no other purely cable-related equipment need be installed. Further, based upon our review of the EAF, we determined that the Town does not contain certain land uses such as agriculture that might be adversely impacted by the type of construction proposed. However, should future extensions of the system entail construction in wetlands, coastal zones or affect buildings, structures or districts on the National Historic Landmarks and State and National Registers of Historic Places, the franchisee shall seek consultation and/or permitting from the appropriate local, state and federal agencies including but not limited to the New York State Department of State, Department of Environmental Conservation and Office of Parks, Recreation and Historic Preservation.

A Notice of Determination of Significance, Negative Declaration, for this unlisted action is approved in conjunction with this order. The Notice and EAF will be retained in our files. A copy of the Notice is annexed to this order.

DISCUSSION

This application seeks our approval of a Certificate of Confirmation of a cable television franchise granted by the Town of New Castle, Westchester County by Resolutions of the Town Board dated December 18, 2007 and April 22, 2008 following duly noticed public hearings held on November 27, 2007, December 11, 2007 and

be deemed a part of the franchise agreement as if specifically set forth therein and provision 5.1.2 be read accordingly.

Fifth, provision 7.4 of the agreement limits the municipality's right to audit franchise fees by requiring "similar obligations ... on all cable service providers in the Service Area." No such limitation exists in Section 895.1(m) of our rules. Accordingly, it will be a condition of this order that the quoted language be stricken and Section 895.1(m) be deemed a part of the agreement as if specifically set forth therein.

The proposed franchise agreement contains additional provisions not required by Part 895 of our rules. We approve these provisions to the extent that they are consistent with Article 11 and its regulations.

Based on the foregoing, and subject to the conditions and clarifications described herein, we find that the proposed franchise agreement is in substantial compliance with our cable regulations.

The Commission orders:

1. Pursuant to Section 221 of the Public Service Law and the rules and regulations of this Commission, the application of Verizon New York Inc. for approval of a Certificate of Confirmation of the franchise to provide cable television service for the Town of New Castle, Westchester County is hereby approved, subject to the conditions and clarifications set forth in the body of this certificate and order. Said certificate shall expire 15 years from the date of this order.
2. This certificate and order does not in any way confer rights or privileges other than those granted in the underlying franchise and the certificate holder remains subject to the obligations imposed by Article 11 of the Public Service Law, the underlying franchise and all applicable rules, regulations and orders of this Commission.
3. This proceeding is closed.

By the Commission,

(SIGNED)

JACLYN A. BRILLING
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 08-V-0575 - Petition of Verizon New York Inc., for a Certificate of Confirmation for its Franchise with the Town of New Castle, Westchester County.

NOTICE OF DETERMINATION
OF SIGNIFICANCE

NEGATIVE DECLARATION

NOTICE is hereby given that an Environmental Impact Statement will not be prepared in connection with the approval by the Public Service Commission of the Petition of Verizon New York Inc., for a Certificate of Confirmation for its cable television franchise with the Town of New Castle, Westchester County, based upon our determination in accordance with Article 8 of the Environmental Conservation Law, that such action will not have a significant adverse effect on the environment. The approval of this action is an Unlisted Action as defined under 6 NYCRR Section 617.7(c).

Based upon our review of the record, the confirmation of the exercise of the franchise granted to Verizon New York Inc by the Town of New Castle, Westchester County to provide cable service under Section 221 of the Public Service Law will not result in significant adverse environmental impacts because the incremental construction that would be induced is insignificant in that it would involve only individual service lines and equipment within existing Verizon central offices.

The address of the Public Service Commission, the lead agency for the purposes of the Environmental Quality Review of this project is Three Empire State Plaza, Albany, New York 12223-1350. Questions may be directed to Richard H. Powell at (518) 486-2885 or to the address above.

JACLYN A. BRILLING
Secretary