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§ 897.1 Applicability

In addition to the requirements of Part 17, of this Title, except section 17.2, and provided that at least an original and three copies of such petition will be filed with the secretary, applications under section 221 or 222 of the Public Service Law shall conform to the requirements of this Part.

§ 897.2 Certificate of confirmation

An application for a certificate of confirmation shall set forth and include:

- (a) the applicant's name, mailing address and telephone number, the municipality to be served, and the date service commenced or will commence, as the case may be;
- (b) a true copy of the franchise agreement together with proof of the public hearing and a copy of the resolution authorizing the franchise;
- (c) true copies of all documents submitted by the franchisee to the municipality as part of, or in support of, its application for a franchise;
- (d) full facts as to the ownership of the cable television system;
- (e) full facts as to the technical specifications and design of the system and whether, and to what extent, the applicant intends to engage in origination cablecasting and access cablecasting;
- (f) whether, and to what extent, the proposed operation would be in violation of, or in any way inconsistent with, any federal or State law or regulation;
- (g) proof of service of a copy of the application upon the clerk of the municipality and proof of publication of notice of the application to the commission in a newspaper of general circulation in the municipality, which notice shall state the opportunity for interested parties to file comments with the commission within 10 days of publication.

§ 897.3 Franchise renewal or amendment

An application for approval of a franchise renewal or franchise amendment shall include:

- (a) the applicant's name, mailing address and telephone number and the name of the municipality for which the franchise has been issued;
- (b) whether affirmative municipal action was required, for the renewal or amendment at issue, and if so, proof that such action was taken, including a true copy of said renewal or amendment and proof of the public hearing that preceded such municipal action;
- (c) proof of service of a copy of the application upon the clerk of the municipality and proof of publication of notice of the application to the commission in a newspaper of general circulation in the municipality, which notice shall state the opportunity for interested parties to file comments with the commission within 10 days of publication.

§ 897.4 Transfers

An application, including an original and seven copies of such petition, will be filed with the secretary for approval of a transfer of control of a franchise or cable television system and shall include:

- (a) the applicant's name, mailing address and telephone number;

(b) whether the proposed transfer is an asset transfer or stock transfer, and, in either case, a list of each franchise, including the name of the municipality that granted the franchise and the date thereof;

(c) a copy of the purchase and sale agreement;

(d) whether pursuant to the terms of the franchise, the proposed transfer requires municipal approval and, if so, a statement that the applicant has requested or will request approval by the municipality and will provide a copy of any municipal resolution adopted relative to such request; and

(e) a copy of FCC Form 394.

§ 897.5 Purpose

This Part sets forth procedures in addition to those contained in *6 NYCRR Part 617*, which are necessary for the commission's implementation of the State Environmental Quality Review Act. The terms used in this Part have the meanings given them in *6 NYCRR 617.2*, unless the context requires otherwise.

§ 897.6 Types of actions

(a) Type I actions (which are more likely to require the preparation of environmental impact statements than those unlisted actions) are listed in *6 NYCRR 617.12*. Type II actions (which have been determined not to have a significant, adverse effect on the environment) are listed in *6 NYCRR 617.13* and in subdivision (b) of this section. Neither new programs, nor major changes in priorities with respect to policies, regulations and procedures are included.

(b) The adoption of policies, regulations and procedures constitutes the undertaking of a Type II action if it relates to:

(1) routine administration and management of the commission's functions, including but not limited to rules establishing procedures for the orderly conduct of business before the commission;

(2) practices by cable companies concerning administration and management of cable company functions, including but not limited to rules relating to:

(i) cable company reports;

(ii) the uniform system of accounts; and

(iii) transfers of assets and/or control;

(3) practices by cable companies concerning customer relations, such as, but not limited to, rules governing:

(i) technical standards and requirements;

(ii) complaint procedures;

(iii) billing practices;

(iv) limitation of liability; and

(v) landlord-tenant relationships;

(4) activities by cable companies concerning testing, inspection, repair and maintenance of existing facilities; or

(5) safety measures for design, testing operation and maintenance of cable facilities, including rules governing the reporting of signal levels and leakage.

(c) Construction of cable facilities which is limited to installations on existing utility facilities is a Type II action, unless such construction is a Type I action as defined in *6 NYCRR 617.12*.

§ 897.7 Procedure

(a) Each application for a certificate of confirmation should be accompanied by a report of the environmental impact of the proposed approval. Such report shall be in the form set forth in *6 NYCRR 617.9*.

(b) If the commission directs the preparation of an environmental impact statement, the statement shall conform with the requirements set forth in *6 NYCRR 617.9*.

(c) (1) The responsibility for preparation of the environmental reports shall be with the applicant for approval.

(2) Notwithstanding the requirement that the applicant prepare a report on environmental impact, each party proposing an alternative for adoption by the commission shall, at the time a proposal is submitted, present a statement of its views as to the likely environmental impact of the alternative it has proposed.