



NEW YORK CITY LAW DEPARTMENT  
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, Corporation Counsel

**Press Release**

**Web: [nyc.gov/html/law/home.html](http://nyc.gov/html/law/home.html)**

*For Immediate Release*

**NEW YORK STATE COURT OF APPEALS UNANIMOUSLY AFFIRMS  
LOWER COURT'S DISMISSAL IN CABLE TELEVISION  
RENEWAL AGREEMENT CASE**

**Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, [kahlers@law.nyc.gov](mailto:kahlers@law.nyc.gov)**

New York, October 22, 2002 -- In a unanimous decision today, the New York State Court of Appeals affirmed the lower court's dismissal of claims by the City Council that its approval was necessary before the City could enter into binding cable television renewal agreements.

In so doing, the Court upheld franchises issued to Time Warner Cable of New York City and Cable Vision System New York City Corporation that enable them to provide their cable services to over 1.5 million New York City subscribers. The decision, *Council of the City of New York v. Public Service Commission*, establishes that such franchises need only be approved by the City's Franchise Concession and Review Committee (FCRC) and the Mayor.

In affirming the dismissal of the Council's claims, the Court upheld an interpretation by the New York State Public Service Commission of approvals required by a state regulation relating to cable television renewals. In addition, the Court upheld the City Charter's franchising procedures, which vest franchise approval authority with the FCRC and the Mayor, and expressly preclude the City Council from having any involvement in the approval process. The Court recognized that while the Council plays an important role in the franchising process through its authority to adopt an authorizing resolution permitting the grant of such franchises, it does not play a role in the selection or renewal of individual franchises.

In its successful appeal in this case, the New York City Law Department convinced the Court of Appeals that the phrase "local legislative body" in the applicable state regulations should, in this context, be interpreted as referring to the FCRC and not the City Council.

The case was handled by Lewis S. Finkelman, formerly Chief of the Commercial and Real Estate Litigation Division of the Law Department and currently General Counsel and Deputy Commissioner for Legal Services for the City's Department of Citywide Administrative Services, and Michael S. Adler, an Assistant Corporation Counsel in the Commercial and Real Estate Litigation Division of the Law Department. Bruce I. Regal, an Assistant Corporation Counsel in the Law Department's Economic Development Division, also assisted on the case in providing transactional and historical expertise.

"We are pleased with the outcome of this case and the fact that the continued provision of cable services to City residents was not placed in jeopardy," Adler said. He also praised the "excellent litigation efforts" by Finkelman on the case.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department's 650-plus lawyers handle more than 100,000 cases and transactions each year in 17 separate legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's

attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. Its web site can be accessed through the City government home page at [www.nyc.gov](http://www.nyc.gov) or via direct link at [www.nyc.gov/html/law/home.html](http://www.nyc.gov/html/law/home.html).

###