



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
Two Gateway Center  
Newark, NJ 07102  
[www.nj.gov/bpu](http://www.nj.gov/bpu)

CABLE TELEVISION

IN THE MATTER OF THE FILING BY TIME WARNER )  
CABLE - BERGEN COUNTY RATE CHANGE UNDER ) ORDER  
FCC FORM 1205 DETERMINING REGULATED )  
EQUIPMENT AND INSTALLATION COSTS ) DOCKET NO. CR08121104

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

The New Jersey Board of Public Utilities ("Board") and its Office of Cable Television ("OCTV"), pursuant to N.J.S.A. 48:5A-1 et seq., have been granted general supervision and regulation of all cable television systems which operate within the State of New Jersey, subject only to the limitations of federal law. Pursuant to this authority, the within matter was opened to the Board upon the filing by Time Warner Cable – Bergen County ("Time Warner"), on December 31, 2008, with revisions on January 16, 2009, of its Federal Communications Commission ("FCC") Form 1205, covering its Bergen New Jersey system.

At its April 3, 2009 meeting, the Board issued an Order, accepting the Form 1205 as submitted, with the exception of the basic only digital equipment rate, which the Board expressly rejected. In addition, the Board directed Time Warner to establish an escrow account to deposit the basic only digital equipment rate charge in the event of a final rejection on the rate and to provide a pool for refunds.

Time Warner, on April 30, 2009, filed a motion for reconsideration and a motion for stay before the Board, claiming that the Board's decision as to the basic only digital equipment rate charge was in error and thus the refusal to approve should be reversed.

On May 9, 2009, Time Warner sought appeal of the rate decision from the Federal Communications Commission ("FCC") under Section 623 of the Communications Act of 1934, as amended, and 47 C.F.R. § 76.944.

Staff and the company engaged in discussions and, following negotiations, agreed to the following settlement - Time Warner will reduce its basic only digital equipment rate from \$4.40 per month to \$3.40 per month, and will withdraw both its motion for reconsideration and its

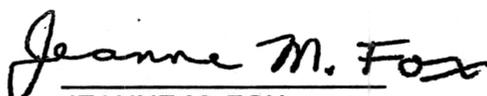
motion for review before the FCC. Board Staff, in return, will recommend to the Board that the requirement of an escrow be removed and that the basic only digital equipment rate be approved. The Department of the Public Advocate, Division of Rate Counsel indicated that it had no objection to this process.

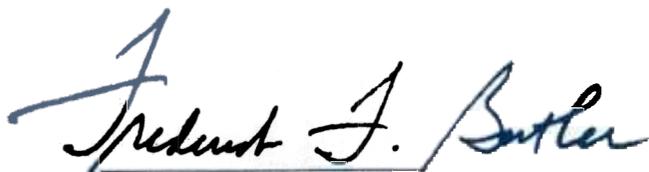
Based upon review and discussion, the Board HEREBY FINDS that the proposed rate is reasonable and that the proposed settlement is in the public interest. Accordingly, based upon the above, the Board HEREBY MODIFIES its prior Order in this matter and HEREBY ACCEPTS and APPROVES Time Warner's modified basic only digital equipment rate of \$3.40 per month. Additionally, the Board HEREBY RESCINDS the requirement that Time Warner establish an escrow account for the deposit of monies collected in relation to the basic only digital equipment rate. Furthermore, the Board HEREBY ORDERS that Time Warner shall file an amended tariff no later than 30 days following the effective date of this Order.

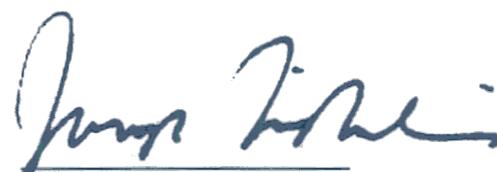
This Order shall go into effect upon receipt by the Board of proof that Time Warner has withdrawn the request reconsideration before the Board and for review before the FCC.

DATED: 8/28/09

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

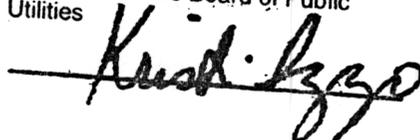
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



IN THE MATTER OF TIME WARNER CABLE – BERGEN COUNTY  
FILING OF FCC FORM 1205

DOCKET NO. CR08121104

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