



Agenda Date: 11/10/10
Agenda Item: IIIH

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center – Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF CABLEVISION OF NEW JERSEY,) THIRD ORDER OF AMENDMENT
LLC FOR THE CONVERSION TO A SYSTEM-WIDE)
FRANCHISE IN TOWNSHIP OF RIVER VALE AND THE)
BOROUGH OF SADDLE RIVER) DOCKET NO. CE09030230

Adam Falk, Vice President, Government and Regulatory Affairs, Cablevision Systems Corporation, Bethpage, New York, for Cablevision of New Jersey, LLC

Township Clerk, Township of River Vale, New Jersey, by Karen Padva; and
Borough Clerk, Borough of Saddle River, New Jersey, by Marie Elena Macari; for the municipalities.

BY THE BOARD:

On June 10, 2009, the Board of Public Utilities ("Board") issued an order memorializing the conversion by Cablevision of New Jersey, Inc. ("CVNJ, Inc.") of its municipal consent-based franchise in the Borough of Fair Lawn to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on March 20, 2016. Subsequently, CVNJ, Inc. underwent a name change and is now known as Cablevision of New Jersey, LLC ("Cablevision of New Jersey"). On August 4, 2010, the Board issued an Order of Amendment to include six additional municipalities: the Borough of Bergenfield, the Borough of Dumont, the Borough of Haworth, the Borough of Hillsdale, the Borough of Oradell and the Borough of Paramus. On September 16, 2010, the Board issued a Second Order of Amendment to include five additional municipalities: the Borough of Closter, the Borough of Emerson, the Borough of Norwood, the Borough of Rockleigh and the Borough of Woodcliff Lake.

Pursuant to N.J.S.A. 48:5A-25.1 and N.J.A.C. 14:18-14.13, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "Act") may automatically convert any or all of its municipal consent-based franchises upon notice to the Board and to the affected municipality or municipalities. In addition, pursuant to N.J.A.C. 14:18-14.14, a cable television company operating under a system-wide franchise may add municipalities to its system-wide franchise upon notice to the affected municipality or municipalities and the Board.

On September 16, 2010, Cablevision of New Jersey filed notice with the Borough of Saddle River that it would convert its municipal consent-based franchise in the municipality, thereby making it part of its Cablevision of New Jersey system-wide franchise; and confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28 (h)-(n), as required by the System-wide Cable Television Franchise Act. That notice was received by the Board on September 17, 2010. On September 23, 2010, Cablevision of New Jersey filed notice with the Township of River Vale that it would convert its municipal consent-based franchise in the municipality, thereby making it part of its Cablevision of New Jersey system-wide franchise; and confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28 (h)-(n), as required by the System-wide Cable Television Franchise Act. That notice was received by the Board on September 24, 2010.

DISCUSSION

Under N.J.S.A. 48:5A-25.1, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of P.L.2006 c. 83 may automatically convert any or all of its municipal consent-based franchises upon notice to the Board and to the affected municipality without meeting the requirements applicable to cable television operators applying for a system-wide franchise, except that the commitment requirements under N.J.S.A. 48:5A-28 (h)-(n) shall be applicable to all system-wide franchises, including conversions. N.J.S.A. 48:5A-28(h)-(n) impose requirements on all cable television companies operating under a system-wide franchise and includes commitments as to line extensions; public, educational and governmental (“PEG”) access channels; interconnection with other cable television companies; free cable and Internet service to public schools and municipal buildings; training and equipment for access users; PEG access return feeds; and compliance with customer protection regulations. As noted above, Cablevision of New Jersey has committed to provide service to the municipalities as required by these provisions.

DISPOSITION OF CERTIFICATE OF APPROVAL AND UNDERLYING MUNICIPAL CONSENT

As discussed above, the Act allows a cable television company, operating under a municipal consent-based franchise, to “automatically convert” its system in any or all of its municipalities without approval from the Board or the impacted municipalities. N.J.S.A. 48:5A-25.1(a). Furthermore, N.J.S.A. 48:5A-19 provides that a “certificate of approval issued by the board shall be valid for 15 years from the date of issuance... or until the expiration, revocation, termination or renegotiation of any municipal consent upon which it is based, whichever is sooner.”

Cablevision of New Jersey’s Certificate of Approval and the underlying municipal consent ordinance in the Township of River Vale expired on March 13, 2010. Cablevision initiated renewal proceedings with the Township of River Vale and was thereby authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificate. Because Cablevision of New Jersey has now converted the Township of River Vale’s municipal consent based-franchise to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board FINDS that Cablevision of New Jersey’s Certificate of Approval for the Township of River Vale has expired by operation of law.

Cablevision of New Jersey's Certificate of Approval and the underlying municipal consent ordinance in the Borough of Saddle River was set to expire on August 19, 2019. Because Cablevision of New Jersey has now converted the municipal consent based-franchise in the Borough to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board FINDS that Cablevision of New Jersey's Certificate of Approval for the Borough of Saddle River is hereby terminated.

Cablevision of New Jersey is authorized to provide cable television service to the municipalities, pursuant to its converted System-wide franchise and the requirements of N.J.S.A. 48:5A-28(h)-(n) and applicable law.

With regard to N.J.S.A. 48:5A-28(h), a system-wide cable television franchise operator is required to meet or exceed the line extension policy ("LEP") commitments of the cable television company operating under a municipal consent-based franchise at the time the franchise is granted. Therefore, because Cablevision of New Jersey was the incumbent municipal consent-based franchise holder in these municipalities, it is required to continue to provide, at a minimum, service to any residence in the two municipalities in accordance with its policies in effect at the time of conversion. Accordingly, in the both the Township of River Vale and the Borough of Saddle River, Cablevision of New Jersey shall provide service to residents in residentially zoned areas at no cost beyond the installation rates contained in its schedule of prices, rates, terms and conditions filed with the Board and in commercially zoned areas in accordance with the LEP attached to the original order based upon a minimum of 20 homes per mile.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order HEREBY RATIFIES the addition of the Township of River Vale and the Borough of Saddle River to Cablevision of New Jersey's System-wide Franchise.

This Third Order of Amendment to the System-wide Franchise serves to add the Township of River Vale and the Borough of Saddle River to Cablevision of New Jersey's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that June 10, 2009 Order, except with respect to the LEP as discussed above.

Without limitations to the full requirements set forth in that Order, the Board reminds Cablevision of New Jersey that, under the System-wide Franchise, it is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. To the extent possible based upon the technology used in providing service, Cablevision of New Jersey shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. § 76.1 et seq., including, but not limited to, the technical standards 47 C.F.R. § 76.601 through § 76.630. Any modifications to the provisions thereof shall be incorporated into the System-wide Franchise.

Failure to comply with all applicable laws, rules, regulations, or orders of the Board or the Office of Cable Television and/or the terms, conditions, or limitations set forth herein may subject Cablevision of New Jersey to penalties, as enumerated in N.J.S.A. 48:5A-51, and/or may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Third Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of New Jersey's applications, notices, and other writings are true, and the undertakings therein contained shall be adhered to and be enforceable, unless specific waiver is granted by the Board or the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

DATED: 11/10/10

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

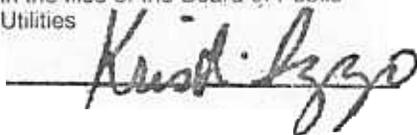

NICHOLAS ASSELTA
COMMISSIONER


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



SERVICE LIST

**IN THE MATTER OF CABLEVISION OF NEW JERSEY, LLC FOR THE CONVERSION TO A
SYSTEM-WIDE CABLE TELEVISION FRANCHISE IN THE TOWNSHIP OF RIVER VALE
AND THE BOROUGH OF SADDLE RIVER**

**THIRD ORDER OF AMENDMENT
DOCKET NO. CE09030230**

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