



Agenda Date: 3/17/10  
Agenda Item: IIIB

**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 CABLEVISION OF OAKLAND, LLC )  
FOR THE CONVERSION TO A SYSTEM-WIDE )  
FRANCHISE IN THE BOROUGH OF BOGOTA AND THE )  
BOROUGH OF RAMSEY )

ORDER OF  
AMENDMENT

DOCKET NO. CE09030231

Sidney A. Sayovitz, Esq., Schenck, Price, Smith & King, Morristown, New Jersey, for the Petitioner  
Borough Clerk, Borough of Bogota, New Jersey by Frances Garlicki, for Bogota Borough  
Borough Clerk, Borough of Ramsey, New Jersey by Meredith Bendian, for Ramsey Borough

**BY THE BOARD:**

On July 1, 2009, the Board issued an order memorializing the conversion by Cablevision of Oakland, LLC ("Cablevision of Oakland") of its municipal consent-based franchise in the Township of Cedar Grove to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on March 20, 2016.

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 the Act may automatically convert any or all of its municipal 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 December 23, 2009, Cablevision of Oakland filed notice with the Borough of Bogota and the Borough of Ramsey that it would convert its municipal consent ordinance-based franchises in the Boroughs, thereby making them part of its Cablevision of Oakland 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 January 11, 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 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 has committed to provide service to the Boroughs 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 ordinance-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." Although Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance from the Borough of Bogota expired on January 13, 2007 and in the Borough of Ramsey expired on October 19, 2003, Cablevision of Oakland initiated renewal proceedings with the Boroughs 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 Certificates. Because Cablevision of Oakland has now converted these municipal consent based-franchises 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 Oakland's Certificates of Approval for Borough of Bogota and the Borough of Ramsey have expired by operation of law, and Cablevision of Oakland is authorized to provide cable television service to the Boroughs pursuant to its converted system-wide franchise and the requirements of N.J.S.A. 48:5A-28 (h)-(n) and applicable law.

Based upon the elements of the Systemwide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY COMMEMORATES** the addition of the Borough of Bogota and the Borough of Ramsey to Cablevision of Oakland's System-wide Franchise.

This Order of Amendment to the System-wide Franchise serves to add the Borough of Bogota and the Borough of Ramsey to Cablevision of Oakland's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that July 1, 2009 Order.

Without limitations to the full requirements set forth in that Order, the Board reminds Cablevision of Oakland 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 Oakland 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 Systemwide Franchise.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may subject Cablevision of Oakland 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.

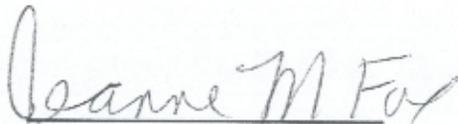
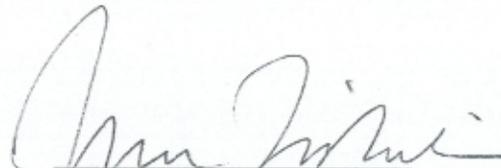
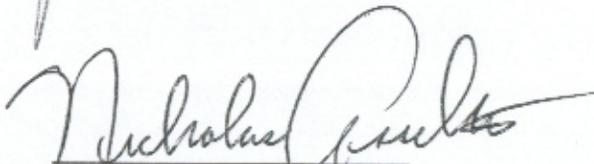
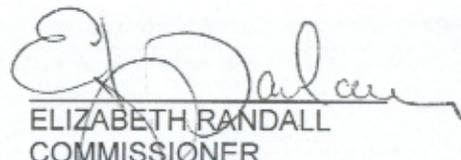
This Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Oakland's applications, notices, and other writings are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted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

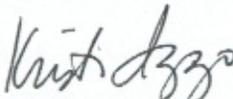
DATED: 3/17/10

BOARD OF PUBLIC UTILITIES  
BY:

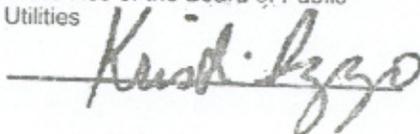


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ATTEST:   
KRISTI IZZO  
SECRETARY

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

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FOR THE CONVERSION TO A SYSTEM-WIDE FRANCHISE IN THE  
BOROUGH OF BOGOTA AND THE BOROUGH OF RAMSEY  
DOCKET NO. CE09030231

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