



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

CABLE TELEVISION

IN THE MATTER OF TIME WARNER CABLE OF)	ORDER ADOPTING
BERGEN COUNTY FOR APPROVAL OF THE FILINGS)	STIPULATION
OF FCC FORM 1240, AN ANNUAL UPDATING OF THE)	
MAXIMUM PERMITTED RATE FOR THE REGULATED)	
BASIC CABLE SERVICE AND IN CONNECTION)	
THEREWITH FCC FORM 1205 DETERMINING)	
REGULATED EQUIPMENT AND INSTALLATION COSTS)	
USING THE OPTIONAL EXPEDITED RATE)	DOCKET NOS. CR09121026
PROCEDURES)	CR09121027

Tom Longstreet, Vice President Finance, Time Warner Cable of New York, Inc., New York, for Petitioner

BY THE BOARD¹:

On December 30, 2009, Time Warner Cable of Bergen County ("Petitioner") filed Federal Communications Commission ("FCC") Form 1240, Docket Number CR09121026, seeking approval by the Board of Public Utilities ("Board") for an annual rate adjustment in its maximum permitted rate resulting from an adjustment for inflation, channel changes, programming costs and copyright fees and Form 1205 (revised January 5, 2010), Docket Number CR09121027, for regulated equipment and installation costs pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

The Board, at its public meeting on January 10, 1996, in Docket Number CX95120636, approved the implementation of Optional Expedited Rate Procedures for the processing of certain filings made with the Office of Cable Television ("OCTV"). The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution, the discovery content is limited, thereby reducing the timeframe for settlement.

¹ Commissioner Elizabeth Randall did not participate matter.

Petitioner chose to pursue its filings with the Board through the approved procedures. To that end, a pre-transmittal conference was held on February 24, 2010 and attended by representatives of the Petitioner, the Department of the Public Advocate, Division of Rate Counsel ("Rate Counsel") and Board Staff. Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for these matters. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the rate changes by way of a newspaper announcement informing them of their opportunity to submit written comments to the Board for a period of thirty days. The notice appeared in The Record on March 8, 2010. No comments or resolutions were received as a result of the public notice.

After review by Staff and Rate Counsel of the supporting documentation, schedules and other discovery requests, a settlement conference was held on March 8, 2010. The parties entered into Stipulations of Settlement on April 13, 2010.

The Board has reviewed the Stipulations of Settlement and FINDS them to be reasonable, in the public interest and in accordance with the law. Therefore, the Board HEREBY ADOPTS the Stipulations of Settlement (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board FURTHER ORDERS that, subject to the ongoing review before the Federal Communications Commission, should these cable systems, or any part thereof, merge and/or migrate to another system, be upgraded and/or rebuilt, its ownership or control be otherwise sold or transferred to another entity, the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued-up" [47 C.F.R. § 76.922 (e) (3)]. The final true-up for the affected systems, or any parts thereof, should be calculated on FCC Form 1240 and begin where the last true-up period ended on its prior FCC Form 1240. This true-up calculation should be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.

The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction that these systems or any portion thereof, are subject to effective competition. Should that occur, the last basic service rate established as a result of a prior FCC Form 1240, or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or any other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be subject to the Board's jurisdiction, must be trued-up for the period of time that the affected rates were subject to regulation by the Board.

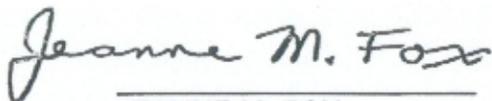
The above referenced true-up procedure does not exclude any cable system party to this order.

DATED: 5/12/10

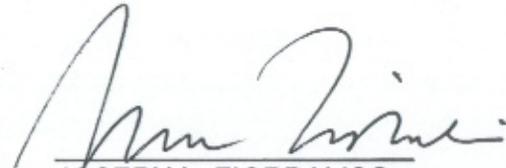
BOARD OF PUBLIC UTILITIES
BY:



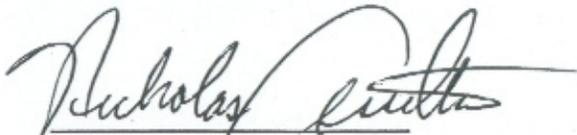
LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER

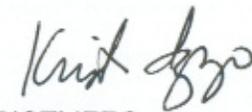


JOSEPH L. FIORDALISO
COMMISSIONER



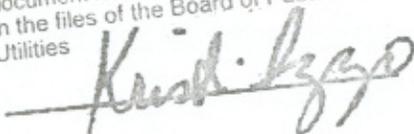
NICHOLAS ASSELTA
COMMISSIONER

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 OF BERGEN COUNTY
FCC FORMS 1240 AND 1205 USING THE
OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NUMBERS: CR09121026, CR09121027

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IN THE MATTER OF TIME WARNER)
CABLE OF BERGEN COUNTY'S FILING)
OF FCC FORM 1240 UPDATING THE)
MAXIMUM PERMITTED RATE FOR)
REGULATED CABLE SERVICE USING)
THE OPTIONAL EXPEDITED RATE)
PROCEDURES)

CABLE TELEVISION

10 APR -9 10:10

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BPU DOCKET NUMBER CR09121026

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1240 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and,

As part of the Optional Expedited Rate Procedures (Approved January 12, 1996, Docket No. CX95120636), Time Warner Cable of Bergen County ("Petitioner") agreed to waive the Company's litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect the Company's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 *et seq.*, (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public educational and governmental channels) and associated equipment and installation and (ii) cable programming services ("CPS") (consisting of other regulated tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority"; and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. § 76.900 *et seq.*, a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. § 76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on December 30, 2009, Petitioner, serving the Boroughs of Cliffside Park, Edgewater, Englewood Cliffs, Fort Lee, Leonia, Palisades Park, Ridgefield and Teterboro and the City of Englewood filed a Form 1240, Docket Number CR09121026 with the Board seeking approval of inflation, channel change and external cost adjustments for a total decrease in the

Maximum Permitted Rate ("MPR") of 1.7% for the rate cycle of April 1, 2010 to March 31, 2011 for a rate decrease from \$13.00 to \$12.78, exclusive of franchise fees, which would result in a total decrease in the MPR for basic service of \$.22 per month. The Operator Selected Rate ("OSR") will be \$9.86 effective April 1, 2010 for the same rate cycle of April 1, 2010 to March 31, 2011. However, during this period, if Petitioner chooses to decrease the OSR, with proper notice to its subscribers and the Board, this decrease will not affect the established rate cycle; and

WHEREAS, the Board Staff ("Staff") and the Department of the Public Advocate, Division of Rate Counsel ("Rate Counsel"), upon review of the FCC Form 1240, supporting documentation and schedules thereto agree that the proposed MPR and OSR rates are just and reasonable; and

WHEREAS, Staff, Rate Counsel and Petitioner have engaged in discussions of this matter; and

WHEREAS, Staff, Rate Counsel and Petitioner have concluded that the Company is entitled to the above-referenced adjustment which it seeks in its FCC Form 1240 filing;

NOW, THEREFORE, Staff, Rate Counsel, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed MPR rate decrease via a newspaper announcement and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the decrease in the MPR for basic service due to inflation, channel changes and external costs under Docket Number CR09121026 and the OSR is April 1, 2010.
3. The rate cycle established under Docket Number CR09121026 is April 1, 2010 to March 31, 2011.
4. This stipulated rate decrease shall be subject to the approval of the Board and all revenues collected as a result of this adjustment shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds this rate decrease to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Settlement resolves all issues raised by this filing which are the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items, by inference, inclusion, or deletion, in any way to be considered or used by

another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation. That is, each signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore, they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION

DATED: 4/13/10

By: *Gloria J. Furlong*
Supervising Administrative Analyst

STEPHANIE A. BRAND, ESQ., DIRECTOR,
DIVISION OF RATE COUNCIL

DATED: 4/13/10

By: *Jose Rivera-Benitez*
Jose Rivera-Benitez, Esq.
Assistant Deputy, Public Advocate

TIME WARNER CABLE OF BERGEN
COUNTY

DATED: 4/8/10

By: *TL*
Tom Longstreet
Vice President of Finance

10 APR -9 10:10

IN THE MATTER OF TIME WARNER)
CABLE OF BERGEN COUNTY'S FILING)
OF FCC FORM 1205 FOR AN ANNUAL)
RATE ADJUSTMENT FOR REGULATED)
INSTALLATION AND EQUIPMENT)
COSTS USING THE OPTIONAL)
EXPEDITED RATE PROCEDURES)

CABLE TELEVISION PUBLIC UTILITIES

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BPU DOCKET NUMBER CR09121027

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1205 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and,

As part of the Optional Expedited Rate Procedures (Approved by the Board on January 12, 1996, Docket No. CX95120636), Time Warner Cable of Bergen County ("Petitioner") agreed to waive their litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and the waiver did not constitute a circumvention of the FCC rules nor did it affect the Company's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. §543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public, educational and governmental channels) and associated equipment and installation; and (ii) cable programming services ("CPS") (consisting of other tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority," and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the relevant franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. §76.922 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. §76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on December 30, 2009 (revised January 5, 2010), Petitioner, serving the Boroughs of Cliffside Park, Edgewater, Englewood Cliffs, Fort Lee, Leonia, Palisades Park, Ridgefield and Teterboro and the City of Englewood filed an aggregate Form 1205, Docket Number CR09121027, with the Board, seeking approval of regulated installation and equipment rate adjustments for its New Jersey systems listed on the attached Schedule A for the rate cycle of April 1, 2010 to March 31, 2011. However, during this period, if Petitioner chooses to decrease these rates, with proper notice to its subscribers and the Board this decrease will not affect the established rate cycle; and

WHEREAS, the Board Staff ("Staff") and the Department of the Public Advocate, Division of Rate Counsel ("Rate Counsel"), upon review of the FCC Form 1205 filed in this matter, supporting documentation and schedules thereto, agree that the proposed rates as set forth in Schedule A are just and reasonable; and

WHEREAS, the Staff, Rate Counsel and Petitioner have engaged in discussions of this matter; and

WHEREAS, the Staff, Rate Counsel and Petitioner have concluded that the Company is entitled to the agreed upon rates which it seeks in its aggregate FCC 1205 filing in this matter;

NOW, THEREFORE, Staff, Rate Counsel, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed rate changes via a newspaper announcement and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the equipment and installation service rates reflected on Schedule A, under Docket Number CR09121027, is April 1, 2010.

3. The rate cycle established under Docket Number CR09121027, is April 1, 2010 to March 31, 2011.
4. These stipulated rates shall be subject to the approval of the Board and all revenues collected as a result of these rates shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds these rates to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Settlement resolves all issues raised by the filing which is the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items, by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation. That is, the signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

**GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION**

DATED:

By: *Gloria J. Furlong*
Supervising Administrative Analyst

**STEPHANIE BRAND, ESQ.,
DIRECTOR, DIVISION OF RATE
COUNCIL**

DATED:

4/13/10

By: *Jose Rivera Benitez*
Jose Rivera-Benitez, Esq.
Assistant Deputy Public Advocate

**TIME WARNER CABLE OF BERGEN
COUNTY**

DATED:

4/8/10

By: *TL*
Tom Longstreet
Vice President of Finance

Time Warner Cable of Bergen County
1205 Schedule A

	<u>PRESENT</u>	<u>PROPOSED</u>
<u>CONNECTIONS & INSTALLATIONS</u>		
(one-time charges, plus sales tax where applicable)		
New Installation (unwired) (first set)*	\$40.00	\$40.00
Installation to Prewired Home/Reconnect (first set)* (includes cable, phone, software and modems)	\$30.30	\$30.30
Additional TV Set (at time of initial install/reconnect)	\$19.00 ea	\$19.00 ea
Trip Charge (after initial install)**	\$30.30	\$30.30
Transaction Fee (no home trip required)	\$1.99	\$1.99
Installation charges for custom Installations* (per hour per person)	\$37.62	\$37.62
Hourly Service Rate (per person)	\$37.62	\$37.62
<u>EQUIPMENT CHARGES:</u>		
Addressable Cable/HDTV/DVR/HD-DVR Box (pre month)	\$4.40 ea	\$4.40 ea
Basic Only Converter (per month)	\$3.40 ea	\$3.40 ea
Remote Control (per month)	\$0.30 ea	\$0.30 ea
CableCARD (per month)	\$1.75 ea	\$1.75 ea

*Aerial and underground installations include up to 150 feet. Non-standard installations (all aerial and underground drops exceeding 150 feet) and custom installations are billed at the Hourly Service Rate.

**Transactions requiring a separate trip, including but not limited to installation of additional sets, relocations and service upgrades, are subject to this charge.