



Agenda Date: 6/07/10  
Agenda Item: IIID

**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 MONMOUTH, )  
LLC FOR THE CONVERSION TO A SYSTEM-WIDE )  
FRANCHISE IN THE BOROUGH OF BRADLEY BEACH, )  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY )

ORDER OF  
AMENDMENT

DOCKET NO. CE10010023

Adam Falk, Vice President, Government and Regulatory Affairs, Cablevision Systems Corporation, Bethpage, New York, for the Petitioner

Borough Clerk, Borough of Bradley Beach, New Jersey by Mary Ann Solinski, for Bradley Beach Borough

**BY THE BOARD:**

On February 11, 2010, the Board issued an order memorializing the conversion by Cablevision of Monmouth, LLC ("Cablevision of Monmouth") of its municipal consent-based franchise in the Borough of Interlaken to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on January 11, 2017.

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 May 11, 2010, Cablevision of Monmouth filed notice with the Borough of Bradley Beach that it would convert its municipal consent ordinance-based franchise in the Borough, thereby making it part of its Cablevision of Monmouth 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 May 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 of Monmouth has committed to provide service to the Borough 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 Monmouth's Certificate of Approval and the underlying municipal consent ordinance from the Borough of Bradley Beach expired on December 2, 2009, Cablevision of Monmouth initiated renewal proceedings with the Borough and was thereby authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificate. Because Cablevision of Monmouth has now converted the 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 Monmouth's Certificate of Approval for the Borough of Bradley Beach has expired by operation of law, and Cablevision of Monmouth is authorized to provide cable television service to the Borough 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 Bradley Beach to Cablevision of Monmouth's System-wide Franchise.

This Order of Amendment to the System-wide Franchise serves to add the Borough of Bradley Beach to Cablevision of Monmouth's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that February 11, 2010 Order.

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

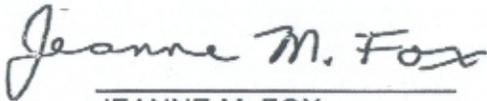
This Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Monmouth's applications, notices, and other writings are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted 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: 6/7/10

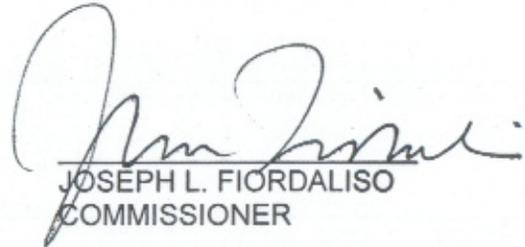
BOARD OF PUBLIC UTILITIES  
BY:



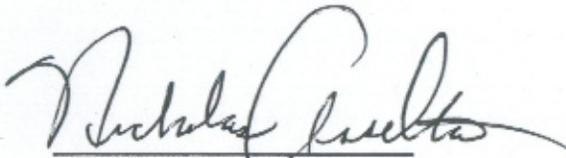
LEE A. SOLOMON  
PRESIDENT



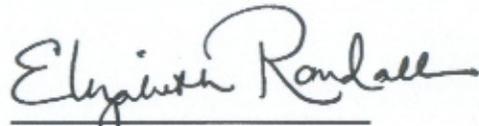
JEANNE M. FOX  
COMMISSIONER



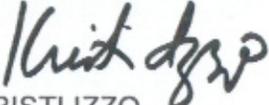
JOSEPH L. FIORDALISO  
COMMISSIONER



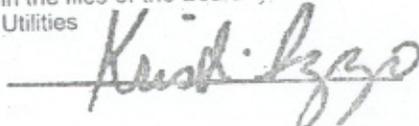
NICHOLAS ASSELTA  
COMMISSIONER



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 MONMOUTH, LLC  
FOR THE CONVERSION TO A SYSTEM-WIDE FRANCHISE IN THE  
BOROUGH OF BRADLEY BEACH  
DOCKET NO. CE10010023

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