



**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 CSC TKR, LLC FOR THE ) ORDER OF AMENDMENT  
CONVERSION TO A SYSTEM-WIDE FRANCHISE IN )  
FIVE MUNICIPALITIES: THE TOWNSHIP OF DENVILLE, )  
THE TOWN OF DOVER, THE BOROUGH OF MORRIS )  
PLAINS, THE TOWNSHIP OF ROCKAWAY AND THE )  
TOWNSHIP OF WARREN ) DOCKET NO. CE10010024

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

Township Clerk, Township of Denville, New Jersey, by Donna Costello;  
Town Clerk, Town of Dover, New Jersey, by Margaret Verga;  
Borough Clerk, Borough of Morris Plains, New Jersey, by June Uhrin;  
Township Clerk, Township of Rockaway, by Mary Cilurso; and  
Township Clerk, Township of Warren, New Jersey, by Patricia DiRocco, for the municipalities.

**BY THE BOARD:**

On February 11, 2010, the Board issued an order memorializing the conversion by CSC TKR, LLC of its municipal consent-based franchise in the Borough of Allentown 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 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 May 10, 2010, CSC TKR, LLC filed notice with the Township of Denville, the Town of Dover, the Borough of Morris Plains, the Township of Rockaway and the Township of Warren (collectively, "the municipalities") that it would convert its municipal consent ordinance-based franchises in the municipalities, thereby making them part of its CSC TKR, LLC 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 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, CSC TKR, LLC 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 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."

CSC TKR, LLC's Certificate of Approval and the underlying municipal consent ordinance in the Township of Warren expired on June 16, 2010. CSC TKR, LLC initiated renewal proceedings with the Township of Warren 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 CSC TKR, LLC has now converted the Township of Warren'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 CSC TKR, LLC's Certificate of Approval for the Township of Warren has expired by operation of law.

CSC TKR, LLC's Certificates of Approval and the underlying municipal consent ordinances in the Township of Denville was set to expire on May 18, 2013; in the Town of Dover on January 29, 2012; in the Borough of Morris Plains on March 3, 2014; and in the Township of Rockaway on May 2, 2011. Because CSC TKR, LLC 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 CSC TKR, LLC's Certificates of Approval for Township of Denville, the Town of Dover, the Borough of Morris Plains and the Township of Rockaway are hereby terminated.

CSC TKR, LLC 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 ordinance-based franchise at the time the franchise is granted. Therefore, because CSC TKR, LLC 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 five municipalities in accordance with its policies in effect at the time of conversion. Accordingly, CSC TKR, LLC shall provide service to the primary service area ("PSA") of each municipality at no cost beyond the installation rates as contained in its schedule of prices, rates, terms and conditions on file with the Board. CSC TKR, LLC shall provide service outside its PSA in accordance with the LEP attached to the original order based upon the following homes per mile figures ("HPM"): in the Township of Denville, CSC TKR, LLC shall use an HPM of 15; in the Township of Rockaway, CSC TKR, LLC shall use an HPM of 20; and in the Town of Dover, the Borough of Morris Plains and the Township of Warren, CSC TKR, LLC shall use an HPM of 25.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY COMMEMORATES** the addition of the municipalities to CSC TKR, LLC's System-wide Franchise.

This Order of Amendment to the System-wide Franchise serves to add the Township of Denville, the Town of Dover, the Borough of Morris Plains, the Township of Rockaway and the Township of Warren to CSC TKR, LLC'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, except with respect to the HPM used with the LEP as discussed above.

Without limitations to the full requirements set forth in that Order, the Board reminds CSC TKR, LLC 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, CSC TKR, LLC 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 and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may subject CSC TKR, LLC 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 CSC TKR, LLC'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: 8/4/10

BOARD OF PUBLIC UTILITIES  
BY:



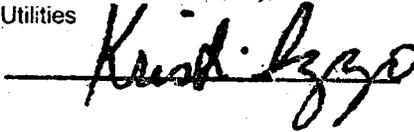
LEE A. SOLOMON  
PRESIDENT

  
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 CSC TKR, LLC FOR THE CONVERSION TO A SYSTEM-WIDE CABLE TELEVISION FRANCHISE FOR THE TOWNSHIP OF DENVILLE, THE TOWN OF DOVER, THE BOROUGH OF MORRIS PLAINS, THE TOWNSHIP OF ROCKAWAY AND THE TOWNSHIP OF WARREN**

**ORDER OF AMENDMENT  
DOCKET NO. CE10010024**

Adam Falk, Vice President  
Government and Public Affairs  
Cablevision Systems Corporation  
1111 Stewart Avenue  
Bethpage, NY 11714-3581

Celeste Fasone, Director  
Board of Public Utilities  
Office of Cable Television  
Two Gateway Center  
Newark, NJ 07102

Sidney Sayovitz, Esq.  
Schenck, Price, Smith & King  
PO Box 991  
Florham Park, NJ 07932-0991

Jessica L. Campbell  
Deputy Attorney General  
State of New Jersey, Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

Donna Costello, Township Clerk  
Township of Denville  
1 St. Mary's Place  
Denville, NJ 07834-2199

Karen A. Marlowe  
Administrative Analyst I  
Board of Public Utilities  
Office of Cable Television  
Two Gateway Center  
Newark, NJ 07102

Margaret Verga, Town Clerk  
Town of Dover  
37 N. Sussex Street  
Dover, NJ 07801

Stefanie A. Brand, Acting Public Advocate  
Department of the Public Advocate  
240 West State Street  
16th Floor  
Trenton, NJ 08625-0851

Mary Cilurso, Township Clerk  
Township of Rockaway  
65 Mount Hope Road  
Rockaway Township, NJ 07866

Chris White, Esq.  
Division of Rate Counsel  
31 Clinton Street  
Newark, NJ 07102

Patricia DiRocco, Township Clerk  
Township of Warren  
46 Mountain Boulevard  
Warren, NJ 07059-5695