



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

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURE OF)
US CABLE OF PARAMUS-HILLSDALE, LLC TO)
COMPLY WITH CERTAIN PROVISIONS OF THE NEW)
JERSEY CABLE TELEVISION ACT, N.J.S.A. 48:5A-1) ORDER ACCEPTING
ET SEQ., THE NEW JERSEY ADMINISTRATIVE CODE,) OFFER OF SETTLEMENT
N.J.A.C. 14:17-1.1 ET SEQ. AND N.J.A.C. 14:18-1.1)
ET SEQ., AND CERTAIN BOARD ORDERS) DOCKET NO.CO09080599

(SERVICE LIST ATTACHED)

BY THE BOARD:

US Cable of Paramus-Hillsdale, LLC ("US Cable") with its principle office located at 590 Valley Health Plaza, Paramus, New Jersey 07652, is a cable television system operator which provides cable television services to the Boroughs of Hillsdale and Paramus in Bergen County.

The Board's Office of Cable Television Inspection and Enforcement Bureau (hereinafter the "Office") uncovered a number of alleged violations during the course of a compliance review conducted as part of its review of a pending petition, Docket No. CM09060449, wherein Cablevision of New Jersey, Inc. ("Cablevision") seeks approval to acquire control of certain cable system assets owned by US Cable. The Office served notice of its allegations that US Cable did not conform to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq., as more specifically set forth in Attachment 1 (Schedule of Alleged Violations). The aforementioned statutes and regulations require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between US Cable and the Office, on August 7, 2009, US Cable submitted an Offer of Settlement concerning the non-conforming practices outlined on the attached schedule of the alleged violations. In the Offer of Settlement submitted by US Cable, US Cable did not admit to any

violations and made a monetary offer in the amount of \$87,750.00 in order to resolve all issues concerning the violations alleged by the Office.

The Board has reviewed the matter and HEREBY FINDS that the Offer represents a reasonable settlement of the alleged violations. Therefore, the Board HEREBY ACCEPTS the Offer of Settlement proffered by US Cable subject to the following conditions:

1. US Cable shall tender \$87,750.00, payable to Treasurer, State of New Jersey within fifteen (15) days of the Board's acceptance of the Offer of Settlement.
2. US Cable shall, on an on-going basis, provide verified proof to the Office that all required quarterly and annual notices are sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18 in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent. This requirement is consistent with the Board's prior Order in Docket No. CO05100875.
3. US Cable shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than October 19, 2009, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
 - a. US Cable shall maintain complete copies of its current schedule showing all prices, rates, terms, conditions of service and service packages and disclose same to customers as required by N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3 (b) and (d) and N.J.A.C. 14:18-3.4(d).
 - b. US Cable shall file with the Office written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date as required by N.J.A.C. 14:18-3.17(a).
 - c. US Cable shall file with the Office its annual detailed report of the number and character of complaints made by customers and communicated to the company during the previous year, within the appropriate timeframe as required by N.J.A.C. 14:18-6.7(g).
 - d. US Cable shall file with the Office its monthly municipal rebuild and upgrade progress reports, within the appropriate timeframe as required by N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4.
 - e. US Cable shall file with the Office, within five (5) business days upon request, EAS required weekly and monthly test results as required by N.J.A.C. 14:18-7.3(c).
 - f. US Cable shall file its annual telephone system information report with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.6(b).
 - g. US Cable shall file its quarterly telephone system performance reports with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.7(c).

- h. US Cable shall ensure its customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2.

US Cable shall file its semi-annual proof of performance test results with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-9.2(b).

US Cable shall ensure the appropriate franchise fees are collected and remitted as required by N.J.S.A. 48:5A-30(d).

- k. US Cable shall comply with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

The Office will monitor US Cable or its successor's future notice and filing requirements and procedures as set forth in the State Cable Television Act and the New Jersey Administrative Code.

The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses only those specific allegations and timeframes in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting US Cable or a successor company or operator.

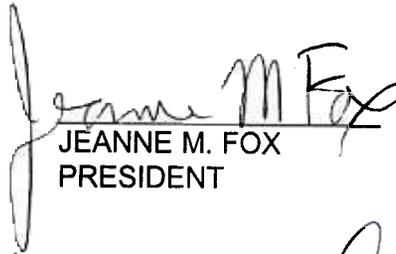
For purposes of assessing penalties for future offenses by US Cable, their parents, affiliates, subsidiaries and successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, such future offenses shall be considered second, third or subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

This Offer of Settlement does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of US Cable, its parents, affiliates, subsidiaries, and successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other Board appropriate action.

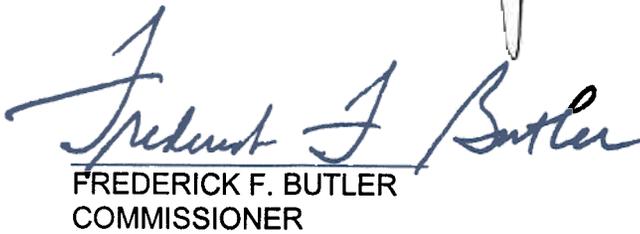
This Offer of Settlement does not relieve US Cable, their parents, affiliates, subsidiaries and successors, from any liability for violations not specifically enumerated in Attachment 1 or those that occurred after June 30, 2009.

DATED: 8/19/09

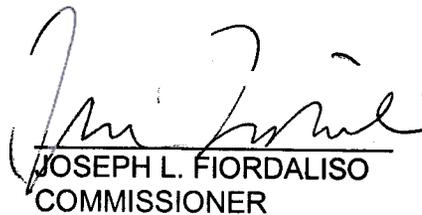
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER



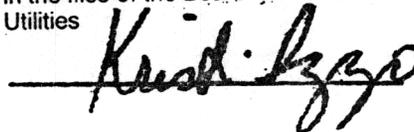
ELIZABETH RANDALL
COMMISSIONER

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



**IN THE MATTER OF THE ALLEGED FAILURE OF US CABLE OF PARAMUS-HILLSDALE,
LLC TO COMPLY WITH PROVISIONS OF THE NEW JERSEY CABLE TELEVISION ACT,
N.J.S.A. 48:5A-1 et seq., THE NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 14:17-1.1
et seq. AND N.J.A.C. 14:18-1.1 et seq., AND CERTAIN BOARD ORDERS**

OFFER OF SETTLEMENT

DOCKET NO. CO09080599

G. Joseph Appio
Vice President, Operations
US Cable Corporation
28 West Grand Avenue, Suite 10
Montvale, NJ 07645

Amy Drummond
Administrative Analyst 1
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Dennis Linken, Esq.
Stryker, Tams & Dill LLP
Two Penn Plaza East
Newark, NJ 07105
Paramus, NJ 07652

Lawanda R. Gilbert
Legal Specialist
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

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

Jessica Campbell
Anne M. Shatto
Geoffrey Gersten
Deputy Attorney General
State of New Jersey, Division of Law
124 Halsey Street
Newark, NJ 07102

William H. Furlong, Chief
Bureau of Inspection & Enforcement
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

**ATTACHMENT 1
SCHEDULE OF ALLEGED VIOLATIONS**

OFFER OF SETTLEMENT

DOCKET NO. CO09080599

US Cable failed to provide customers with adequate information and assure they are served under the most advantageous schedule and demanding different compensation for cable television services, by failing to identify a sales tax provision in the company's applicable schedule of rates, terms, and conditions, pursuant to N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3(b) and (d) and N.J.A.C. 14:18-3.4(d) for the year of 2006.

2. US Cable failed to file with the Office written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date, pursuant to N.J.A.C. 14:18-3.17(a) in 2007.
3. US Cable failed to file with the Office in a timely manner an annual detailed report of the number and character of complaints made by customers and communicated to the company in 2006 and 2007, pursuant to N.J.A.C. 14:18-6.7(g).
4. US Cable failed to file in a timely manner monthly municipal rebuild and upgrade progress reports with the Office, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4 for the period from September 2006 through September 2007.
5. US Cable failed to file with the Office, within five (5) business days upon request, Emergency Alert System (EAS) required weekly and monthly test results, pursuant to N.J.A.C. 14:18-7.3(c) for the months of November and December 2007.
6. US Cable failed to file in a timely manner annual telephone system information reports with the Office, pursuant to N.J.A.C. 14:18-7.6(b) for 2006 and 2007.
7. US Cable failed to file in a timely manner quarterly telephone system performance reports with the Office, pursuant to N.J.A.C. 14:18-7.7(c) for the third quarter of 2006 through the first quarter of 2008.
8. US Cable failed to comply with the FCC Customer Service Standard requiring that a customer's wait time shall not exceed thirty (30) seconds from when the connection is made, pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a) 2 for the fourth quarter of 2005 through first quarter of 2006.
9. US Cable failed to file or filed beyond the required timeframe semi-annual proof of performance test results with the Office, pursuant to N.J.A.C. 14:18-9.2(b) for 2006, 2007 and September 2008.

10. US Cable failed to collect and/or remit the appropriate franchise fees in accordance with N.J.S.A. 48:5A-30(d) from November 2007 through December 2008.
11. US Cable failed to notify the Board of changes in facts or circumstances affecting an active pleading and to seek an amendment as required by N.J.A.C. 14:17-4.7.
12. US Cable failed to comply with the amended Board Order in Docket No. CX03080615, by failing to turn over or provide any system or company-wide record or records of complaints for the 2004 calendar year in a timely manner, pursuant to N.J.A.C. 14:17-11.1.
13. US Cable failed to comply with Board Order in Docket No. CO05100875, by not providing a true copy of the notices and verified proofs of mailing to the Office that its third quarter 2006 through first quarter 2008 and third through fourth quarter 2008 quarterly notices and 2007 annual notices had been sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18, in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent, pursuant to N.J.A.C. 14:17-11.1.
14. US Cable failed to comply with the terms of the authority granted by Board Order in Docket No. CF05030230, by exercising a portion of the authorized financing beyond the date authorized, and without seeking further Board approval, and/or extension of time, pursuant to N.J.A.C. 14:17-11.1 and 14:17-11.3.

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION**

Stryker, Tams & Dill LLP
Two Penn Plaza East
Newark, New Jersey 07105
(973) 491-9500
Attorneys for US Cable of Paramus-Hillsdale, LLC

IN THE MATTER OF THE ALLEGED)
FAILURE OF US CABLE OF PARAMUS-)
HILLSDALE, LLC TO COMPLY WITH)
CERTAIN PROVISIONS OF THE NEW)
JERSEY CABLE TELEVISION ACT, N.J.S.A.)
48:5A-1 et seq. AND THE NEW JERSEY)
ADMINISTRATIVE CODE, N.J.A.C. 14:17-1 et)
seq. AND N.J.A.C. 14:18-1 et seq., AND)
CERTAIN BOARD ORDERS)

OFFER OF SETTLEMENT

Docket No. CO09080599

WHEREAS, US Cable of Paramus-Hillsdale, LLC (“US Cable” or the “Company”) owns and operates a cable television system as the term is defined in N.J.S.A. 48:5A-3(d) in the State of New Jersey (“State”), pursuant to N.J.S.A. 48:5A-1 et seq., and

WHEREAS, US Cable is subject to the jurisdiction of the Board of Public Utilities (the “Board”) and the Office of Cable Television (“OCTV”), pursuant to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the “Act”), and the New Jersey Administrative Code, N.J.A.C. 14:17-1 et seq. and N.J.A.C. 14:18-1 et seq. (the “Regulations”); and

WHEREAS, New Jersey cable television companies are required to comply with the Act, the Regulations and Board Orders issued thereunder; and

WHEREAS, as the result of OCTV’s compliance review of US Cable, OCTV alleges that US Cable has failed to comply with certain applicable regulations and Board Orders including:

- a. US Cable failed to provide customers with adequate information and assure they are served under the most advantageous schedule, by failing to identify a sales tax provision in the company's applicable schedule of rates, terms, and conditions, pursuant to N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3(b) and (d) and N.J.A.C. 14:18-3.4(d) for the year of 2006;
- b. In 2007, US Cable failed to file with the OCTV written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date, pursuant to N.J.A.C. 14:18-3.17(a);
- c. US Cable failed to file with the OCTV in a timely manner an annual detailed report of the number and character of complaints made by customers and communicated to the Company in 2006 and 2007, pursuant to N.J.A.C. 14:18-6.7(g);
- d. US Cable failed to file in a timely manner monthly municipal rebuild and upgrade progress reports with the OCTV, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4, for the period from September 2006 through September 2007;
- e. US Cable failed to file with the OCTV, within five (5) business days upon request, Emergency Alert System (EAS) required weekly and monthly test results, pursuant to N.J.A.C. 14:18-7.3(c), for the months of November and December 2007;
- f. US Cable failed to file in a timely manner annual telephone system information reports with the OCTV, pursuant to N.J.A.C. 14:18-7.6(b) for 2006, and 2007;
- g. US Cable failed to file in a timely manner quarterly telephone system performance reports with the OCTV, pursuant to N.J.A.C. 14:18-7.7(c) for the third quarter of 2006 through first quarter of 2008;
- h. US Cable failed to comply with the FCC Customer Service Standard requiring that a customer's wait time shall not exceed thirty (30) seconds from when the connection is made, pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2, for the fourth quarter of 2005 through the first quarter of 2006;

- i. US Cable failed to file or filed beyond the required timeframe semi-annual proof of performance test results with the OCTV, pursuant to N.J.A.C. 14:18-9.2(b), for 2006, 2007 and September 2008;
- j. US Cable failed to comply with the amended Board Order in Docket No. CX03080615, by failing to turn over or provide any system or Company-wide record or records of complaints for the 2004 calendar year in a timely manner, pursuant to N.J.A.C. 14:17-11.1;
- k. US Cable failed to comply with the Board Order in Docket No. CO05100875, by not providing or failing to provide in a timely manner a true copy of the notices and verified proofs of mailing to the OCTV that its third quarter 2006 through first quarter 2008 and third through fourth quarter 2008 quarterly notices and 2007 annual notices had been sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18, in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent, pursuant to N.J.A.C. 14:17-11.1;
- l. US Cable failed to collect and/or remit the appropriate franchise fees in accordance with N.J.S.A. 48:5A-30(d) from November 2007 through December 2008;
- m. US Cable failed to comply with the terms of the authority granted by Board Order in Docket No. CF05030230, by exercising a portion of the authorized financing beyond the date authorized, and without seeking further Board approval, and/or extension of time, pursuant to N.J.A.C. 14:17-11.1 and N.J.A.C. 14:17-11.3; and
- n. US Cable failed to notify the Board of changes in facts or circumstances affecting an active pleading and to seek an amendment as required by N.J.A.C. 14:17-4.7.

WHEREAS, US Cable may dispute some or all of the foregoing allegations, but nevertheless wishes to amicably resolve the issues raised by the OCTV without incurring the extensive time and expense that would be associated with a formal proceeding.

NOW, THEREFORE, US Cable submits this **OFFER OF SETTLEMENT** as follows:

1. US Cable will pay to the State of New Jersey the sum of Eighty-Seven Thousand Seven-Hundred Fifty Dollars and XX/100 (\$87,750.00) in full settlement of any violations or potential violations of the Act, the Regulations or Board Orders up to and including June 30, 2009, including the alleged violations enumerated above. Payment shall be made fifteen (15) days after the date on which a final Board Order accepting this Offer of Settlement is issued by the Board payable to "Treasurer, State of New Jersey" and delivered to the following address:

Joseph J. Potena
Chief Fiscal Officer
Board of Public Utilities
44 South Clinton Avenue
7th Floor, P.O. Box 350
Trenton, New Jersey 08625

2. US Cable shall maintain complete copies of its current schedule showing all prices, rates, terms, conditions of service and service packages and disclose same to customers as required by N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3 (b) and (d) and N.J.A.C. 14:18-3.4(d);

3. US Cable shall file with the OCTV written notice of an alteration of channel allocation at least thirty (30) days prior to the effective date as required by N.J.A.C. 14:18-3.17(a);

4. US Cable shall file with the OCTV its annual detailed report of the number and character of complaints made by customers and communicated to the company during the previous year, within the appropriate timeframe as required by N.J.A.C. 14:18-6.7(g);

5. US Cable shall file with the OCTV its monthly municipal rebuild and upgrade progress reports, within the appropriate timeframe as required by N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4;

6. US Cable shall file with the OCTV, within five (5) business days upon request, EAS required weekly and monthly test results, as required by N.J.A.C. 14:18-7.3(c);
7. US Cable shall file its annual telephone system information report with the OCTV within the appropriate timeframe as required by N.J.A.C. 14:18-7.6(b);
8. US Cable shall file its quarterly telephone system performance reports with the OCTV within the appropriate timeframe as required by N.J.A.C. 14:18-7.7(c);
9. US Cable shall ensure its customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2;
10. US Cable shall file its semi-annual proof of performance test results with the OCTV, within the appropriate timeframe as required by N.J.A.C. 14:18-9.2(b);
11. US Cable shall ensure the appropriate franchise fees are collected and remitted as required by N.J.S.A. 48:5A-30(d); and
12. US Cable shall comply with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.
13. US Cable shall notify the Board of any changes in facts or circumstances affecting active pleadings and shall seek an amendment as required by N.J.A.C. 14:17-4.7.
14. The execution of this **OFFER OF SETTLEMENT** shall not be deemed an admission by US Cable of any violation of the Act, the Regulations or any Board Orders nor a determination by the Board or the OCTV that such a violation has occurred.
15. Any future repeated violation(s) of the Act, the Regulations or a Board Order which are the subject of this Offer of Settlement shall be deemed to be a second, third or subsequent violation, as appropriate, pursuant to the provisions of N.J.S.A. 48:5A-51(b), for the purpose of determining the amount of any applicable penalty.
16. This Offer of Settlement does not include, and does not have an impact upon, any party's allegations or claims, as they apply to the alleged violation of the New Jersey's

Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that said filing may involve a potential for liability on the part of US Cable, its affiliates, subsidiaries or successors, it will remain subject to enforcement or other Board appropriate action.

US Cable of Paramus-Hillsdale, LLC

BY: *Dennis C. Linken Idp.*
Dennis C. Linken

Dated: August 7, 2009