



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT PETITION OF CSC) PREHEARING ORDER
TKR, LLC AND SERVICE ELECTRIC CABLE T.V. OF)
NEW JERSEY, INC. FOR THE APPROVAL OF THE)
TRANSFER OF CERTIFICATES ON APPROVAL OF)
SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY)
INC.) DOCKET NO. CM20030211

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
James Eric Andrews, Esq., Schenk Price Smith & King, LLP, CSC, TKR, Inc. (Altice USA, Inc.)

BY COMMISSIONER UPENDRA CHIVUKULA:

BACKGROUND:

On March 5, 2020, pursuant to N.J.S.A. 48:5A-19 and N.J.A.C. 14:7-6.8, CSC TKR, LLC ("CSC TKR"), a wholly-owned subsidiary of Altice USA, Inc. (together, "Altice"), and Service Electric Cable T.V. of New Jersey, Inc. ("Service Electric") (collectively, "Petitioners"), jointly filed a verified petition ("Petition") requesting that the New Jersey Board of Public Utilities ("Board") approve the transfer of 28 certificates of approval and related authorizations and the accompanying cable systems, including all assets set forth in Asset Purchase Agreement from Service Electric to Altice.

Shortly after an initial review of the filing, Staff informed the Petitioner that the filing was incomplete and during calls on March 13 and 19, 2020, advised them that they must supplement the Petition. The filing was devoid of documents including but not limited to requisite proofs and unredacted information; and failed to seek Board approval of the acquisition of control of Service Electric by Altice through the purchase of assets, pursuant to N.J.S.A. 48:5A-38 and 40 and N.J.A.C. 14:17-6.10. On March 18, 2020, Petitioner's counsel filed a letter addendum to the Petition referencing N.J.S.A. 48:5A-38 and 40 and including some of the omitted information. Concurrently, the Petitioner filed the requested disclosure schedules with the Board Secretary that were not provided with the initial filing and were redacted in the previous submission.

In addition, upon review of the Company's submissions, the Notice of the transfer published in the service area reflects that inspection of the petition can be conducted at the company's offices. Since the current circumstances do not permit such inspection, by this Order we seek notice to subscribers by way of bill insert or by republication in at least one newspaper circulated in the Company's service area. Such notice shall provide instructions to the public of their ability to review the petition electronically on the Company's website and to file comments on the petition with the Board at board.secretary@bpu.nj.gov under Docket No. CM20030211 no later than July 1, 2020.

On March 27, 2020 the Board issued an Order designating Commissioner Chivukula as Presiding Officer. Within the Order, the deadline of April 14, 2020 was set for motions to intervene and pro hac vice. No motions to intervene were received.

On April 2, 2020 the Petitioner amended their March 5th filing pursuant to Board Staff's request for information essential for the filing to be complete. Accordingly, the record has been updated.

Pursuant to federal statute and FCC regulations which set forth the prescribed 120-day period for review, the timeline commences upon the filing of a "completed FCC Form 394, together with all exhibits, and any additional information required by the terms of the franchise agreement or applicable state or local law." See 47 U.S.C. § 537; 47 C.F.R. § 76.502(b). Responses to information requests by Board Staff were submitted by the Petitioner. The completed application and accompanying documents collectively were received on or about April 2, 2020. Therefore, the statutory 120-day period for review expires on July 31, 2020.

PREHEARING ORDER

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED

Through this proceeding Altice and Service Electric Cable T.V. of New Jersey Inc. seek Board approval of the transfer to Altice of the cable television system assets, accompanying licenses and franchises owned and operated by Service Electric through a purchase of Service Electric's assets and acquisition of the cable television system, pursuant to N.J.S.A. 48:5A-19, 38 and 40 and N.J.A.C. 14:17-6.8 and 6.10.

2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:

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3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF PETITION:

Pursuant to N.J.A.C. 14:17-6.8(a)13, no later than June 1, 2020, Petitioner shall provide notice of the proposed transfer to subscribers by way of bill insert or by republication in at least one newspaper circulated in the cable television company's service area. Such notice shall provide notice of ability for subscribers to access petition electronically and to file comments on the petition to the Board of Public Utilities at board.secretary@bpu.nj.gov under Docket No. CM20030211 no later than July 1, 2020.

4. SCHEDULE OF HEARING DATES, TIME, AND PLACE:

To be determined, if necessary.

5. STIPULATIONS:

The parties entered into an Agreement of Non-Disclosure of Information Agreed to Be Confidential.

6. SETTLEMENT:

Notice should be provided to all parties of any settlement discussions for the preparation of an agreement to resolve the issues in the case.

7. AMENDMENTS TO PLEADINGS:

None at this time.

8. DISCOVERY AND DATE FOR COMPLETION:

The time limits for discovery shall be in accordance with N.J.A.C. 1:1-10.4, or as provided in Exhibit A.

9. ORDER OF PROOFS:

To be determined

10. EXHIBITS MARKED FOR IDENTIFICATION:

None at this time.

11. EXHIBITS MARKED IN EVIDENCE:

None at this time.

12. ESTIMATED NUMBER OF FACTS AND EXPERT WITNESSES:

None at this time.

13. MOTIONS:

None at this time.

14. SPECIAL MATTERS:

None at this time.

DISCUSSION AND FINDINGS

I **HEREBY ISSUE** the aforementioned as the Prehearing Order in this matter and **HEREBY DIRECT** the parties to comply with its terms.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: May 15, 2020

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

EXHIBIT A

IN THE MATTER OF THE JOINT PETITION OF CSC TKR, LLC AND SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC. FOR THE APPROVAL OF THE TRANSFER OF CERTIFICATES FOR APPROVAL OF SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC.
DOCKET NUMBER CM20030211

Procedural Schedule¹

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Discovery – First Round Responses Due	May 18, 2020
Discovery Settlement Conference	May 26, 2020
Public Notice Republication Deadline	June 1, 2020
Deadline for Second Round Discovery	June 1, 2020
Discovery- Second Round Responses	June 16, 2020
Settlement Conference on Discovery	June 23, 2020
Public Comments Deadline	July 1, 2020
Settlement Conference, if necessary	TBD
Hearing Date, if necessary	TBD
Board Determination	no later than July 31, 2020

¹ Discovery will be conducted on a rolling basis with responses due in accordance with N.J.A.C. 1:1-10.4, subject to the scheduled end dates. The aforementioned dates are subject to modification by the presiding Commissioner. The parties on the service list will be notified accordingly.

IN THE MATTER OF CSC TKR, LLC (ALTICE USA, INC.) AND SERVICE ELECTRIC CABLE
T.V. OF NEW JERSEY, INC FOR THE APPROVAL OF THE TRANSFER OF CERTIFICATES
OF APPROVAL OF SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC.
DOCKET NO. CM20030211

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