



Agenda Date: 10/20/10
Agenda Item: IIIC

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC TKR,)
LLC D/B/A CABLEVISION OF RARITAN VALLEY FOR)
RENEWAL OF A CERTIFICATE OF APPROVAL TO)
CONTINUE TO OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN THE BOROUGH OF)
BOUND BROOK, COUNTY OF SOMERSET, STATE)
OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE10070483

James Eric Andrews, Esq. Schenck, Price, Smith & King, Florham Park, New Jersey, for the
Petitioner

Borough Clerk, Borough of Bound Brook, New Jersey, by Donna Marie Godleski, for the
Borough

BY THE BOARD:

On August 12, 1977, the Board granted Cross Country Cable, Ltd. a Certificate of Approval in Docket No. 775C-6281 for the construction, operation and maintenance of a cable television system in the Borough of Bound Brook ("Borough"). Through a series of transfers with required Board approvals, TKR Cable Company ("TKR") became the holder of the Certificate. On August 6, 1990, the Board granted TKR a Renewal Certificate of Approval for the Borough in Docket No. CE89040439. Through an additional series of transfers with required Board approvals, the holder of the Certificate became CSC TKR, Inc. d/b/a Cablevision of Raritan Valley ("Cablevision"). On November 8, 2001, the Board granted Cablevision a Renewal Certificate of Approval for the Borough in Docket No. CE01090546. Based on a name change, the Certificate is currently held by CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on August 12, 2007, the Petitioner is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on November 10, 2006, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. On December 8, 2009, the Borough adopted a municipal ordinance granting renewal consent to the Petitioner. On March 9, 2010, the Petitioner formally accepted the terms and conditions of the ordinance. On July 16, 2010, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

- 1 The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process.
- 2 The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
- 4 The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service and promptly file any revisions thereto.
- 6 Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
- 7 The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 275 Centennial Avenue in the Township of Piscataway, New Jersey.
- 8 Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3x, derived from cable television charges or fees paid by subscribers for its cable television reception service in the Borough.¹ Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
- 9 The Petitioner shall provide service to any residence or business along any public right-of-way in the Borough designated as built in its application at no cost beyond standard and non-standard installation charges as specified in its schedule of all prices, rates, terms and conditions.

¹ Pursuant to the Board's Order of Approval in Docket No. CO07050321 of the petition filed by Verizon New Jersey seeking approval of its certification that it is capable of providing cable television service to at least 60 percent of the households in the Borough issued on June 28, 2007, the Petitioner's franchise fees to the Borough was increased from 2% to 3.5%.

10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. As specified in the application, the Petitioner shall provide a non-commercial community/governmental access channel. The Petitioner maintains a public access studio in Piscataway, which has VHS and some S-VHS equipment. After completing a training course, access users can use the public access studio to produce their own programming, which can be aired on the community/governmental access channel.
11. Upon written request by the Borough, the Petitioner shall install one fiber access return feed at a municipally designated building. Upon completion of the installation, the Petitioner shall provided the Borough, in lieu of the regional PEG channel described in the renewal application, with its own designated educational and governmental access channel.
12. The Petitioner shall provide the Borough with a capital contribution for cable and/or telecommunications related purposes in the total amount of \$10,000.00, which is to be paid as follows: \$2,350.00 within 90 days of issuance of this Certificate and, within 60 days of receipt of the Borough's annual written request, \$850.00 per year for the following nine years. The Petitioner shall be relieved of any remaining payments after the initial \$2,350.00 if it converts its system to a system-wide franchise as provided by N.J.S.A. 48:5A-25.1(a). Upon payment of each portion of the contribution, the Petitioner shall provide the Office of Cable Television with proof of satisfaction of this obligation.
13. Upon written request of the Borough, the Petitioner shall provide one standard installation and monthly cable television reception service, free of charge, to all state or locally accredited public schools, all public municipal libraries and municipal buildings located in the Borough used for governmental purposes.
14. Upon written request of the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to one municipal location within the Borough.
15. Upon written request of the Borough, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to each state or locally accredited elementary and secondary school and municipal public library in the Borough.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., except as modified above, that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

This Renewal Certificate 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. The Petitioner shall adhere to the 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 of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

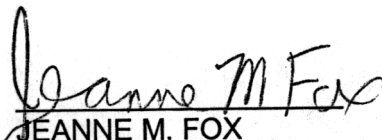
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

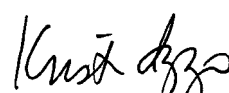
DATED: 10/20/10

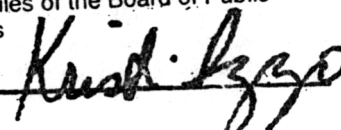
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BY:

PRESIDENT


JEANNE M. FOX
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST: 
KRISTI IZZO
SECRETARY

in the files of the Board of Public
Utilities 

CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY
RENEWAL CERTIFICATE OF APPROVAL
BOROUGH OF BOUND BROOK
DOCKET NO. CE10070483

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