

Agenda Date: 11/10/10

Agenda Item: IIIA



**STATE OF NEW JERSEY**

**Board of Public Utilities**

**Two Gateway Center, Suite 801**

**Newark, NJ 07102**

**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

**CABLE TELEVISION**

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

**AUTOMATIC RENEWAL**  
**CERTIFICATE OF APPROVAL**

**DOCKET NO. CE10080624**

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

Borough Clerk, Borough of Netcong, New Jersey, by Dolores Dalessandro, for the Borough

BY THE BOARD:

On April 15, 1981, the Board granted Sammons Cable TV, Inc. ("Sammons") a Certificate of Approval, in Docket No. 7912C-6612, for the construction, operation and maintenance of a cable television system for the Borough of Netcong ("Borough"). On October 13, 1992, the Board granted Sammons a Renewal Certificate of Approval for the Borough in Docket No. CE91091465. Through a series of transfers with required Board approvals, CSC TKR, Inc. d/b/a Cablevision of Morris ("Cablevision") became the holder of the Certificate. On September 5, 2002, the Board granted Cablevision a Renewal Certificate of Approval for the Borough in Docket No. CE02050288. Based on a name change, the current holder of the Certificate is CSC TKR, LLC d/b/a Cablevision of Morris ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on September 5, 2010, 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.

On August 27, 2010, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the Borough, pursuant to N.J.S.A. 48:5A-16, -19 and -25 and N.J.A.C. 14:17-6.9 and 14:18-13.6. The filing indicates that the Borough had adopted an ordinance on December 19, 2001, for a term of eight years from the date of the Renewal Certificate with an automatic renewal for a term of an additional eight years.

The Board has reviewed the petition for an Automatic Renewal Certificate of Approval and the Application filed therein by the Petitioner. 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.
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 eight years. The Board finds this duration reasonable.
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 the Borough Administrator. 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 683 Route 10 East, Randolph, New Jersey.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough and shall be increased as required by N.J.S.A. 48:5A-30. 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 Primary Service Area at no cost beyond standard and non-standard installation charges. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate as Appendix "I". The minimum homes per mile figure is 25.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. The Petitioner shall provide one channel for community and governmental access programming, which is shared with its local origination

channel and bulletin board and one channel for educational access programming. The channels are available for use by schools, libraries, religious, government and other organizations within the community wishing to cablecast their non-commercial programming.

11. The Petitioner maintains a PEG access studio at its Randolph offices for non-commercial use by any individual or group residing in the Borough for production of PEG access programming and provides television production training. Use of the access studio, equipment and editing facilities shall be available free of charge to individuals or interested groups on a first-come, first-served basis through scheduling with a studio supervisor.
12. The Petitioner shall provide, or continue to provide, one standard installation and monthly basic cable service, free of charge, to all state accredited public schools, public libraries and municipal buildings designated for governmental use in the Borough.
13. The Petitioner shall provide, or continue to provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to all state accredited primary and secondary public schools and all public libraries in the Borough.
14. The Petitioner shall provide, or continue to provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to one municipal location in Borough. The Borough shall be permitted, at its own cost, to network up to three additional personal computer terminals in the designated building.
15. Upon 30 days' notice by the Borough, the Petitioner shall make available representatives for a bi-annual meeting with the Borough for the purpose of reviewing the Petitioner's performance.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that 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.; 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 that the Petitioner is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Automatic Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

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 on September 5, 2018.

DATED:

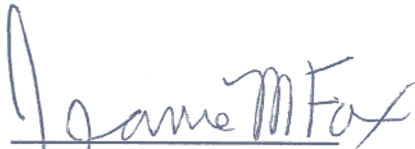
11/10/10

BOARD OF PUBLIC UTILITIES

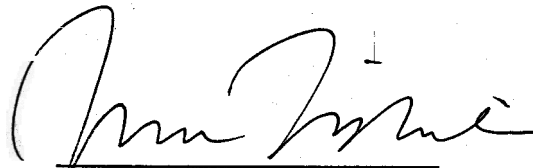
BY:



LEE A. SOLOMON  
PRESIDENT



JEANNE M. FOX  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER

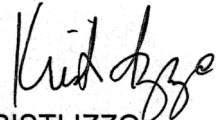


NICHOLAS ASSELTA  
COMMISSIONER



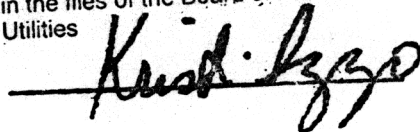
ELIZABETH RANDALL  
COMMISSIONER

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



**APPENDIX "I"**  
**OFFICE OF CABLE TELEVISION**  
**LINE EXTENSION POLICY**

**CSC TKR, LLC D/B/A CABLEVISION OF MORRIS**  
**BOROUGH OF NETCONG**

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

- |    |  |   |   |
|----|--|---|---|
| 1. | <u># of homes in extension</u><br>mileage of extension                                     | = | Homes per mile (HPM) of extension   |
| 2. | <u>HPM of extension</u><br>Minimum HPM that company actually constructs in the system      | = | Ratio of the density of the extension to the minimum density which the company constructs in the system ("A") |
| 3. | Total cost of building the extension times "A"   | = | Company's share of extension cost   |
| 4. | Total cost of building extension less company's share of extension cost                    | = | Total amount to be recovered from subscribers   |
| 5. | Total amount to be <u>recovered from subscribers</u><br>Total subscribers in the extension | = | Each subscriber's share   |

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.

All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

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\* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

- 1 Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

- 1 If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once the share of the extension cost for an individual dwelling has been paid, future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

## **Definitions**

### Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

### Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

CABLEVISION OF OAKLAND, LLC  
AUTOMATIC RENEWAL CERTIFICATE OF APPROVAL  
BOROUGH OF NETCONG  
DOCKET NO. CE10080624

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