



Agenda Date: 11/10/2010
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 CABLEVISION OF OAKLAND,) **FOURTH ORDER OF AMENDMENT**
LLC FOR THE CONVERSION TO A SYSTEM-WIDE)
FRANCHISE IN SEVEN MUNICIPALITIES: THE)
BOROUGH OF FRANKLIN LAKES, THE BOROUGH)
OF HALEDON, THE BOROUGH OF HAWTHORNE,)
THE BOROUGH OF PARK RIDGE, THE BOROUGH)
OF PROSPECT PARK, THE TOWNSHIP OF)
SADDLE BROOK AND THE BOROUGH OF UPPER) **DOCKET NO. CE09030231**
SADDLE RIVER)

Adam Falk, Vice President, Government and Public Affairs, Cablevision Systems Corporation,
Bethpage, New York, for Cablevision of Oakland

Borough Clerk, Borough of Franklin Lakes, New Jersey, by Sally Bleeker;
Borough Clerk, Borough of Haledon, New Jersey, by Allan Susen;
Borough Clerk, Borough of Hawthorne, New Jersey, by Susan Witkowski;
Borough Clerk, Borough of Park Ridge, New Jersey, by Kelley O'Donnell;
Borough Clerk, Borough of Prospect Park, New Jersey, by Yancy Wazirmas;
Township Clerk, Township of Saddle Brook, New Jersey, by Peter LoDico; and
Borough Clerk, Borough of Upper Saddle River, New Jersey, by Rose Vido, for the
municipalities.

BY THE BOARD:

On July 1, 2009, the Board of Public Utilities ("Board") issued an order memorializing the conversion by Cablevision of Oakland, LLC ("Cablevision of Oakland") of its municipal consent-based franchise in the Township of Cedar Grove to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on March 20, 2016. On March 17, 2010, the Board issued an Order of Amendment to include the Borough of Bogota and the Borough of Ramsey into the Cablevision of Oakland System-wide franchise. On June 18, 2010, the Board issued a Second Order of Amendment to include eight additional municipalities: the City of Garfield, the Township of Nutley, the Village of Ridgewood, the Borough of River Edge, the Township of Rochelle Park, the Borough of Totowa, the Borough of Waldwick and the Borough of Westwood.

On September 16, 2010, the Board issued a Third Order of Amendment to include an additional eight municipalities: the Borough of Allendale, the Borough of Elmwood Park, the Borough of Glen Rock, the Borough of Hasbrouck Heights, the Borough of Midland Park, the Borough of Oakland, the Township of South Hackensack and the Township of Washington (Bergen County).

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 P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "Act") may automatically convert any or all of its municipal 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 September 16, 2010, Cablevision of Oakland filed notice with the Borough of Franklin Lakes, the Borough of Haledon, the Borough of Hawthorne, the Borough of Park Ridge, the Borough of Prospect Park, the Township of Saddle Brook and the Borough of Upper Saddle River (collectively, "the municipalities") that it would convert its municipal consent ordinance-based franchises in the municipalities, thereby making them part of its Cablevision of Oakland 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 September 17, 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 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, Cablevision 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.”

Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance in the Borough of Franklin Lakes were set to expire on September 25, 2013; in the Borough of Haledon on September 14, 2021, in the Borough of Hawthorne on November 3, 2016, in the Borough of Park Ridge on April 23, 2015, in the Borough of Prospect Park on February 24, 2021, in the Township of Saddle River on August 19, 2019 and in the Borough of Upper Saddle River on June 10, 2012. Because Cablevision of Oakland 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 Cablevision of Oakland's Certificates of Approval for the Borough of Franklin Lakes, the Borough of Haledon, the Borough of Hawthorne, the Borough of Park Ridge, the Borough of Prospect Park, the Township of Saddle Brook and the Borough of Upper Saddle River are hereby terminated.

Cablevision of Oakland 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.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY RATIFIES** the addition of the municipalities to Cablevision of Oakland's System-wide Franchise.

This Fourth Order of Amendment to the System-wide Franchise serves to add the Borough of Franklin Lakes, the Borough of Haledon, the Borough of Hawthorne, the Borough of Park Ridge, the Borough of Prospect Park, the Township of Saddle Brook and the Borough of Upper Saddle River to Cablevision of Oakland's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that July 1, 2009 Order.

Without limitations to the full requirements set forth in that Order, the Board reminds Cablevision of Oakland 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, Cablevision of Oakland 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, or orders of the Board or the Office of Cable Television, or the terms, conditions, or limitations set forth herein, may subject Cablevision of Oakland to penalties, as enumerated in N.J.S.A. 48:5A-51, or may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Fourth Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Oakland'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.

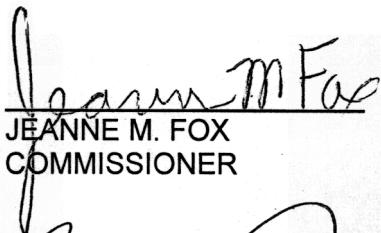
DATED:

11/10/10

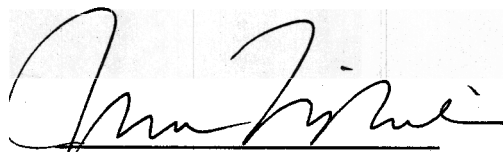
BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

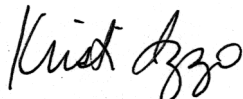


NICHOLAS ASSELTA
COMMISSIONER



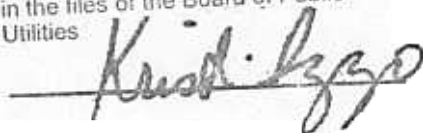
ELIZABETH RANDALL
COMMISSIONER

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



SERVICE LIST

**IN THE MATTER OF CABLEVISION OF OAKLAND, LLC
FOR THE CONVERSION TO A SYSTEM-WIDE FRANCHISE IN SEVEN MUNICIPALITIES:
THE BOROUGH OF FRANKLIN LAKES, THE BOROUGH OF HALEDON, THE BOROUGH
OF HAWTHORNE, THE BOROUGH OF PARK RIDGE, THE BOROUGH OF PROSPECT
PARK, THE TOWNSHIP OF SADDLE BROOK AND THE BOROUGH OF UPPER SADDLE
RIVER**

FOURTH ORDER OF AMENDMENT - DOCKET NO. CE09030231

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

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

Sally Bleeker, Borough Clerk
Borough of Franklin Lakes
480 DeKorte Drive
Franklin Lakes, NJ 07417

Allen Susen, Borough Clerk
Borough of Haledon
510 Belmont Avenue
Haledon, NJ 07508

Susan Witkowski, Borough Clerk
Borough of Hawthorne
445 Lafayette Avenue
Hawthorne, NJ 07506-2551

Kelley O'Donnell, Borough Clerk
Borough of Park Ridge
53 Park Avenue
Park Ridge, NJ 07656-1289

Yancy Wazirmas, Borough Clerk
Borough of Prospect Park
106 Brown Avenue
Prospect Park, NJ 07432-1836

Peter LoDico, Township Clerk
Township of Saddle Brook
93 Market Street
Saddle Brook, NJ 07663

Rose Vido, Borough Clerk
Borough of Upper Saddle River
376 W. Saddle River Road
Upper Saddle River, NJ 07458-1621

Celeste Fasone, Director
Board of Public Utilities
Office of Cable Television
Two Gateway Center, Suite 801
Newark, NJ 07102

Karen A. Marlowe
Administrative Analyst I
Board of Public Utilities
Office of Cable Television
Two Gateway Center, Suite 801
Newark, NJ 07102

Alex Moreau
Deputy Attorney General
Office of the Attorney General
PO Box 45029
Newark, NJ 07101

Stefanie A. Brand, Director
Division of Rate Counsel
31 Clinton Street, 11th Floor
Newark, NJ 07102

Chris White, Esq.
Division of Rate Counsel
31 Clinton Street, 11th Floor
Newark, NJ 07102