



Agenda Date: 2/11/10
Agenda Item: IIIA

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 PETITION OF TWFANCH-ONE,)
CO. D/B/A TIME WARNER CABLE OF NEW YORK AND)
NEW JERSEY FOR A RENEWAL CERTIFICATE OF)
APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE)
AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND)
FOR THE BOROUGH OF EDGEWATER, COUNTY OF)
BERGEN, STATE OF NEW JERSEY)

AUTOMATIC RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE09080652

Dennis C. Linken, Esq., Stryker, Tams and Dill, Newark, New Jersey, for the Petitioner

Borough Clerk, Borough of Edgewater, by Barbara Rae, for the Borough

BY THE BOARD:

On August 24, 1979, the Board of Public Utilities ("Board") granted Vision Cable Television Company ("Vision") a Certificate of Approval in Docket No. 796C-6497 for the construction, operation and maintenance of a cable television system in the Borough of Edgewater ("Borough"). On September 14, 1994, the Board granted Vision a Renewal Certificate of Approval for the Borough in Docket No. CE93100441. Through a series of transfers with required Board approvals, the current holder of the Certificate is TWFanch-One, Co. d/b/a Time Warner Cable of New York and New Jersey ("Petitioner"). On December 17, 2009, the Board authorized the transfer of the Certificate of the Borough to Time Warner Entertainment Company, L.P. ("Time Warner"), in Docket No. CM09080719. Time Warner is responsible for all commitments contained in this Certificate. Although the Petitioner's above referenced Certificate expired on August 24, 2009, it 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 6, 2009, the Petitioner filed with the Board a petition 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 July 19, 1993, granting renewal municipal consent for a term of 15 years with automatic renewal for an additional term of ten 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 ten years 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. 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 200 Roosevelt Place in the Borough of Palisades Park, 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 proffer service along any public right-of-way to any currently existing residence or business in the Borough at no cost beyond charges for standard and non-standard installation on file with the Office of Cable Television.
- 10 The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with the application filed with the petition for Renewal Certificate of Approval, the previous Renewal Certificate of Approval and the Borough's ordinance. Specifically, the Petitioner shall provide access time for non-commercial PEG access entities on a PEG access channel. Public access is administered by the Petitioner, and programming may be produced at the Petitioner's studio in the Borough of Palisades Park. The channel is shared with other municipalities in the Petitioner's system.

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., 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.

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.

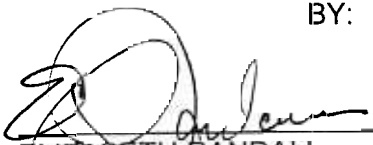
Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

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.

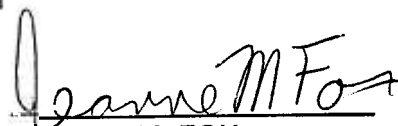
This Certificate shall expire on August 24, 2019.

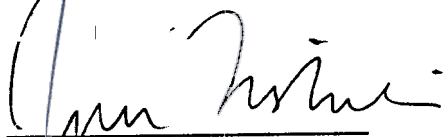
DATED: 2/11/10

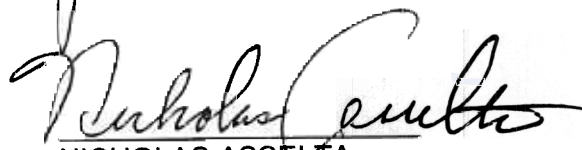
BOARD OF PUBLIC UTILITIES
BY:


ELIZABETH RANDALL
ACTING PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JEANNE M. FOX
COMMISSIONER

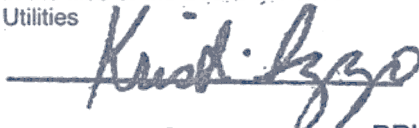

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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



TWFANCH-ONE, CO. D/B/A TIME WARNER CABLE OF NEW YORK
AND NEW JERSEY
AUTOMATIC RENEWAL CERTIFICATE OF APPROVAL
BOROUGH OF EDGEWATER
DOCKET NO. CE09080652

SERVICE LIST

Dennis C. Linken, Esq.
Stryker, Tams and Dill
Two Penn Plaza East
Newark, NJ 07105

Barbara Rae
Borough Clerk
Borough of Edgewater
916 River Road
Edgewater, NJ 07020-0120

Harriet Novet
Regional VP, Public Affairs
Time Warner Cable
120 East 23rd Street
New York, NY 10010

Jessica Campbell
Deputy Attorney General
Division of Law
124 Halsey Street
Newark, NJ 07102

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

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