



Agenda Date: 9/16/2010

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, LLC) THIRD ORDER OF AMENDMENT
FOR THE CONVERSION TO A SYSTEM-WIDE)
FRANCHISE IN 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) DOCKET NO. CE09030231

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

Borough Clerk, Borough of Allendale, New Jersey, by Gwen McCarthy;
Borough Clerk, Borough of Elmwood Park, New Jersey, by Keith Kazmark;
Borough Clerk, Borough of Glen Rock, New Jersey, by Jacqueline Scalia;
Borough Clerk, Borough of Hasbrouck Heights, New Jersey, by Rose Marie Sees;
Borough Clerk, Borough of Midland Park, New Jersey, by Adeline Hanna;
Borough Clerk, Borough of Oakland, New Jersey, by Lisa Duncan;
Township Clerk, Township of South Hackensack, New Jersey, by Linda LoPiccolo; and
Township Clerk, Township of Washington, Bergen County, New Jersey, by Mary Ann Ozment,
for the municipalities.

BY THE BOARD:

On July 1, 2009, the 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.

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 the 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 July 19, 2010, Cablevision of Oakland filed notice with 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) (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 July 20, 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 Allendale expired on January 9, 2007; in the Borough of Hasbrouck Heights expired on January 23, 2009; in the Borough of Oakland expired on April 3, 2009; and in the Township of Washington expired on December 16, 2008. Cablevision of Oakland initiated renewal proceedings with these municipalities and was thereby authorized to continue to

provide cable television service to them pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificates.

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 Allendale, the Borough of Hasbrouck Heights, the Borough of Oakland and the Township of Washington have expired by operation of law

Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance in the Borough of Elmwood Park was set to expire on October 8, 2019; in the Borough of Glen Rock on July 29, 2019, in the Borough of Midland Park on April 16, 2020 and in the Township of South Hackensack on October 8, 2019. 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 Elmwood Park, the Borough of Glen Rock, the Borough of Midland Park and the Township of South Hackensack 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 COMMEMORATES** the addition of the municipalities to Cablevision of Oakland's System-wide Franchise.

This Third Order of Amendment to the System-wide Franchise serves to add 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 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 and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may subject Cablevision of Oakland to penalties, as enumerated in N.J.S.A. 48:5A-51, and/or may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

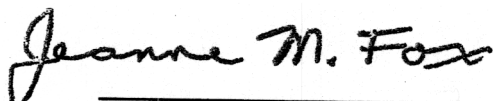
This Third Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Oakland's applications, notices, and other writings are true, and the undertakings therein contained shall be adhered to and be enforceable

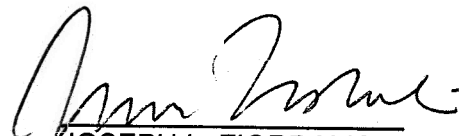
unless specific waiver is granted by the Board or the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

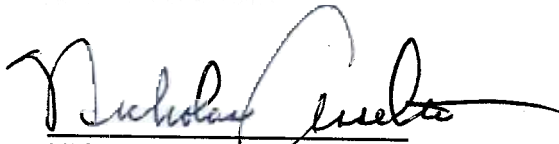
DATED: 9/16/10

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

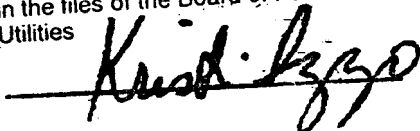

NICHOLAS ASSELTA
COMMISSIONER


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 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**

THIRD ORDER OF AMENDMENT - DOCKET NO. CE09030231

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