



Agenda Date: 12/18/13

Agenda Item: III G

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF CSC TKR, LLC FOR THE)
CONVERSION TO A SYSTEM-WIDE FRANCHISE IN)
THE BOROUGH OF FLORHAM PARK AND THE)
TOWNSHIP OF WATCHUNG)

SIXTH ORDER OF AMENDMENT

DOCKET NO. CE10010024

Parties of Record:

Adam Falk, Cablevision Systems Corporation, for CSC TKR, LLC
Sheila Williams, Clerk, Borough of Florham Park
Michelle DeRocco, Clerk, Township of Watchung

BY THE BOARD:

On February 11, 2010, the Board of Public Utilities ("Board") issued an order memorializing the conversion by CSC TKR, LLC of its municipal consent-based franchise in the Borough of Allentown to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on January 11, 2017. On August 4, 2010, the Board issued an Order of Amendment to include five additional municipalities: the Township of Denville, the Town of Dover, the Borough of Morris Plains, the Township of Rockaway and the Township of Warren. On September 16, 2010, the Board issued a Second Order of Amendment to include five additional municipalities: the Township of Hanover, the Borough of Madison, the Borough of Manville, the Town of Morristown and the Borough of Somerville. On December 6, 2010, the Board issued a Third Order of Amendment to include eight additional municipalities: the Borough of Chatham, the Township of East Hanover, the Township of Hamilton (Mercer County), the Borough of Keyport, the Township of Morris, the Borough of Rockaway, the Borough of South Bound Brook and the Borough of Wharton. On February 10, 2011, the Board issued a Fourth Order of Amendment to include nine additional municipalities: the Township of Aberdeen, the Borough of Bound Brook, the Borough of Keansburg, the Borough of Matawan, the Township of Mine Hill, the Township of Randolph, the Borough of Raritan, the Borough of Union Beach and the Borough of Victory Gardens. On September 21, 2011, the Board issued a Fifth Order of Amendment to include the Township of Bernards and the Township of Bridgewater.

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 P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "Act") may automatically convert any or all of its municipal consent-based 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 October 25, 2013, CSC TKR, LLC filed notice with the Borough of Florham Park and the Township of Watchung that it would convert its municipal consent ordinance-based franchises in the municipalities, thereby making them part of its CSC TKR, LLC system-wide franchise, and it 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 October 24, 2013.

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 the Act may automatically convert any or all of its municipal consent-based 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, CSC TKR, LLC 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."

CSC TKR, LLC's Certificate of Approval and the underlying municipal consent ordinance in the Township of Watchung on November 13, 2011. CSC TKR, LLC initiated renewal proceedings with the Township of Watchung and was thereby authorized to continue to provide cable television service to the Township of Watchung pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificate. Because CSC TKR, LLC has now converted its municipal consent based-franchise the Township of Watchung 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 CSC TKR, LLC's Certificate of Approval for the Township of Watchung has expired by operation of law.

CSC TKR, LLC's Certificate of Approval and underlying municipal consent ordinance for the Borough of Florham Park was set to expire on December 19, 2027. Because CSC TKR, LLC has now converted this municipal consent based-franchise 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 CSC TKR, LLC's Certificate of Approval for the Borough of Florham Park is hereby terminated.

CSC TKR, LLC 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.

With regard to N.J.S.A. 48:5A-28(h), a system-wide cable television franchise operator is required to meet or exceed the line extension policy ("LEP") commitments of the cable television company operating under a municipal consent ordinance-based franchise at the time the franchise is granted. Therefore, because CSC TKR, LLC was the incumbent municipal consent-based franchise holder in the Borough of Florham Park and the Township of Watchung, it is required to continue to provide, at a minimum, service to any residence in the Townships in accordance with its policies in effect at the time of conversion. Accordingly, in the Borough of Florham Park, CSC TKR, LLC shall provide service outside its Primary Service Area ("PSA") in accordance with the LEP attached to the original order with a homes per mile figure ("HPM") of 25. In the Township of Watchung, CSC TKR, LLC shall provide service outside its PSA in accordance with the LEP attached to the original order with an HPM of 35.

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 Borough of Florham Park and the Township of Watchung to CSC TKR, LLC's System-wide Franchise.

This Sixth Order of Amendment to the System-wide Franchise serves to add the Borough of Florham Park and the Township of Watchung to CSC TKR, LLC's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that February 11, 2010 Order, except with respect to the HPM to be used with the LEP.

Without limitations to the full requirements set forth in that Order, the Board reminds CSC TKR, LLC 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, CSC TKR, LLC 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.

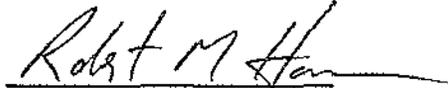
Failure to comply with all applicable laws, rules, regulations or orders of the Board or the Office of Cable Television or the terms, conditions or limitations set forth herein may subject CSC TKR, LLC to penalties, as enumerated in N.J.S.A. 48:5A-51, and may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Sixth Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in CSC TKR, LLC'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.

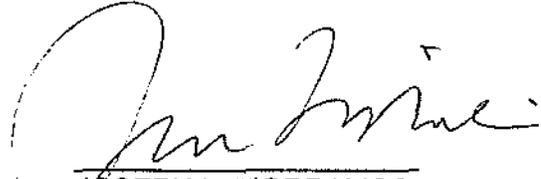
This Order shall be effective on December 30, 2013.

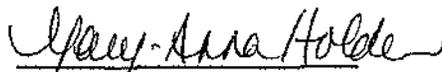
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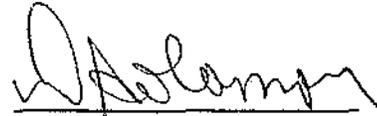
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

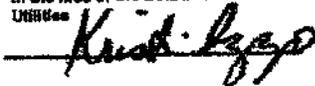

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
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 CSC TKR, LLC FOR THE CONVERSION TO A SYSTEM-WIDE
FRANCHISE IN THE BOROUGH OF FLORHAM PARK AND THE TOWNSHIP OF
WATCHUNG

SIXTH ORDER OF AMENDMENT
DOCKET NO. CE10010024

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