



Agenda Date: 2/24/16  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

CABLE TELEVISION

IN THE MATTER OF CSC TKR, LLC FOR THE	)	SEVENTH ORDER OF
CONVERSION TO A SYSTEM-WIDE CABLE	)	AMENDMENT
TELEVISION FRANCHISE IN THE BOROUGH OF	)	
HIGHLAND PARK	)	DOCKET NO. CE10010024

**Parties of Record:**

**R. Thurman Barnes**, Cablevision Systems Corporation, for CSC TKR, LLC  
**Sheila Williams**, Clerk, Borough of Highland Park

**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 cable television 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. On December 18, 2013, the Board issued a Sixth Order of Amendment to include the Borough of Florham Park and the Township of Watchung.

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 cable television franchise may add municipalities to its system-wide cable television franchise upon notice to the affected municipality or municipalities and the Board.

On January 21, 2016, CSC TKR, LLC filed notice with the Borough of Highland Park that it would convert its municipal consent ordinance-based franchise in the Borough, thereby making it part of its CSC TKR, LLC system-wide cable television 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 January 22, 2016.

### **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 cable television franchise, except that the commitment requirements under N.J.S.A. 48:5A-28 (h)-(n) shall be applicable to all system-wide cable television franchises, including conversions. N.J.S.A. 48:5A-28(h)-(n) impose requirements on all cable television companies operating under a system-wide cable television 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 municipality 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 underlying municipal consent ordinance for the Borough of Highland Park was set to expire on February 19, 2019. Because CSC TKR, LLC has now converted this municipal consent based-franchise to a system-wide cable television 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 Highland Park is hereby terminated.

CSC TKR, LLC is authorized to provide cable television service to the Borough of Highland Park, pursuant to its converted system-wide cable television 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 Highland Park, it is required to continue to provide, at a minimum, service to any residence in the Borough in accordance with its policies in effect at the time of conversion. Accordingly, in the Borough of Highland 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.

Based upon the elements of the System-wide Cable Television Franchise Act, and the legal mandates under which the Board operates, this Order **HEREBY RATIFIES** the addition of the Borough of Highland Park to CSC TKR, LLC's system-wide cable television franchise.

This Seventh Order of Amendment to the system-wide cable television franchise serves to add the Borough of Highland Park to CSC TKR, LLC's system-wide cable television 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 cable television 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 cable television franchise.

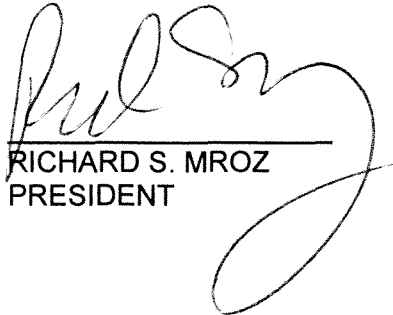
Failure to comply with all applicable laws, rules, regulations or orders of the Board or the Office of Cable Television or the terms, conditions or limitations set forth herein may subject CSC TKR, LLC to penalties, as enumerated in N.J.S.A. 48:5A-51, and may constitute sufficient grounds for the suspension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

This Seventh Order of Amendment to the system-wide cable television 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 a 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.

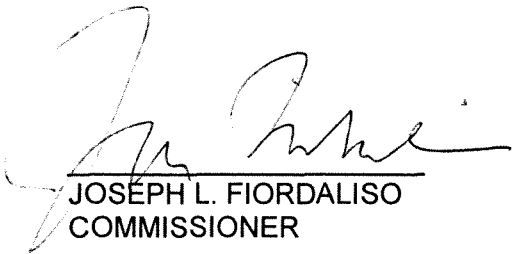
This Order shall be effective on March 5, 2016.

DATED: 2-24-16

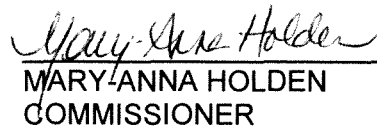
BOARD OF PUBLIC UTILITIES  
BY:



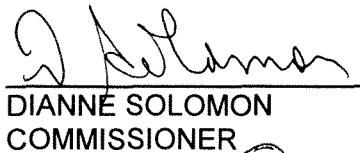
RICHARD S. MROZ  
PRESIDENT



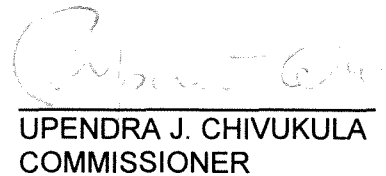
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COMMISSIONER



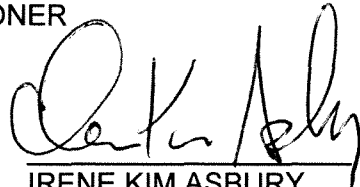
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COMMISSIONER



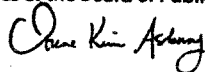
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ATTEST:   
IRENE KIM ASBURY  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities



IN THE MATTER OF CSC TKR, LLC FOR THE CONVERSION TO A SYSTEM-WIDE CABLE  
TELEVISION FRANCHISE IN THE BOROUGH OF HIGHLAND PARK

SEVENTH ORDER OF AMENDMENT  
DOCKET NO. CE10010024

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