



Agenda Date: 8/24/16
Agenda Item: I11C

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION &
TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF CSC TKR,)
LLC D/B/A CABLEVISION OF RARITAN VALLEY FOR)
AMENDMENT OF CERTIFICATE OF APPROVAL TO)
OPERATE AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE BOROUGH OF METUCHEN,)
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY)

) ORDER OF AMENDMENT TO A
) RENEWAL CERTIFICATE OF
) APPROVAL

) DOCKET NO. CE16070615
) DOCKET NO. CE15091034

Parties of Record:

James Eric Andrews, Esq., Schenck, Price, Smith & King, LLP, for the Petitioner
Susan D. Jackson, Clerk, Borough of Metuchen, New Jersey

BY THE BOARD:

On January 28, 2016, the Board of Public Utilities ("Board") granted CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Petitioner") a Renewal Certificate of Approval for the Borough of Metuchen ("Borough"), in Docket No. CE15091034.

Subsequently, the Borough and the Petitioner entered into negotiations to amend the municipal consent ordinance upon which the Certificate is based. The Borough wished to designate the Office of Cable Television as the complaint officer for the Borough; the Borough's municipal consent ordinance had designated the Borough Municipal Clerk as the complaint officer. On March 21, 2016, the Borough amended its municipal consent ordinance of February 17, 2015 at Section 14, to designate the Office of Cable Television as the complaint officer. On June 2, 2016, the Petitioner accepted the terms and conditions of the amended ordinance.

On July 1, 2016, the Petitioner filed a petition for Amendment of the Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based. The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

Provision No. 6 of the Renewal Certificate issued on January 28, 2016 in Docket No. CE15091034 is amended to provide that the complaint officer designated to receive and act upon complaints filed by subscribers in the Borough is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.

Therefore, the Petitioner is **HEREBY ISSUED** this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Borough. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval 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 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

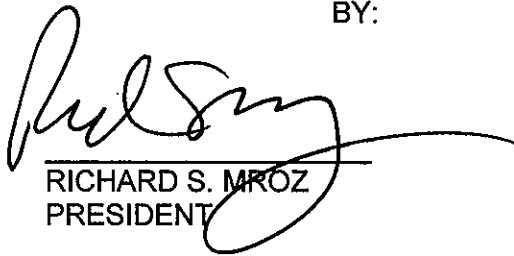
Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval 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 Order shall be effective on September 3, 2016.

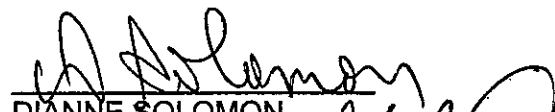
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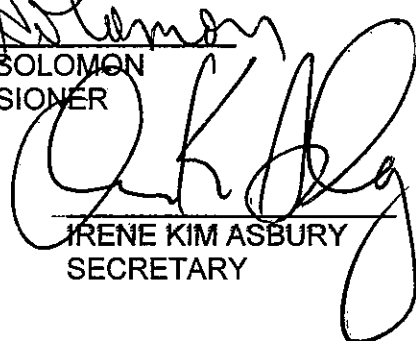
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

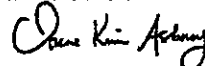

MARYANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY


UPENDRA J. CHIVUKULA
COMMISSIONER

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 THE PETITION OF CSC TKR, LLC D/B/A CABLEVISION OF RARITAN
VALLEY FOR AMENDMENT OF CERTIFICATE OF APPROVAL TO OPERATE AND
MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF METUCHEN, COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY
BPU DOCKET NO. CE16070615
BPU DOCKET NO. CE15091034

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Agenda Date: 1/27/16
Agenda Item: III B.

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC TKR,)
LLC D/B/A CABLEVISION OF RARITAN VALLEY FOR) RENEWAL CERTIFICATE OF
RENEWAL OF A CERTIFICATE OF APPROVAL TO) APPROVAL
CONTINUE TO OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN THE BOROUGH OF)
METUCHEN, COUNTY OF MIDDLESEX, STATE OF)
NEW JERSEY) DOCKET NO. CE15091034

Parties of Record:

James Eric Andrews, Esq., Schenck, Price, Smith & King, LLP, for the Petitioner
Susan D. Jackson, Clerk, Borough of Metuchen, New Jersey

BY THE BOARD:

On January 12, 1978, the Board of Public Utilities ("Board") granted Raritan Cablevision Company a Certificate of Approval in Docket No. 779C-6322 for the construction, operation and maintenance of a cable television system in the Borough of Metuchen ("Borough"). Through a Board-approved transfer, TKR Cable Company/Tri-System ("TKR") became the holder of the Certificate. On March 4, 1994, the Board issued a Renewal Certificate of Approval to TKR for the Borough, in Docket No. CE93020060. Through a series of transfers with required Board approval, CSC TKR, Inc. d/b/a Cablevision of Raritan Valley ("CSC TKR") became the holder of the Certificate. On July 6, 2005, the Board issued a Renewal Certificate of Approval to CSC TKR for the Borough, in Docket No. CE05040354. Based on a name change, the current holder of the Certificate is CSC TKR, LLC d/b/a Cablevision of Raritan Valley ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on July 6, 2015, the Petitioner is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on October 14, 2014, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. On February 17, 2015, after public hearing, the Borough adopted an ordinance granting renewal of municipal consent to the Petitioner. On July 7, 2015, the Petitioner formally accepted the terms and conditions of the ordinance. On September 10, 2015, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough.

The Board reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. 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. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process.
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 15 years from the date of issuance of this Certificate. The Board finds this duration to be reasonable.
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 informational schedules 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 to receive and act upon complaints filed by subscribers in the Borough. In this case, the complaint officer is the Borough Municipal Clerk. All complaints shall be received and processed in accordance with the applicable rules and the ordinance.
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: 275 Centennial Avenue, Piscataway, 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 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 provide service to any residence along any public right-of-way in the Borough specified in the ordinance as its service area ("Primary Service Area") at no cost beyond standard and non-standard installation charges. For any extension to a residence outside of the Primary Service Area, the Petitioner shall utilize the line extension policy attached to the Certificate as Appendix "I" with a homes per mile of 25.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. The Petitioner shall provide one non-commercial PEG access channel for use by the Borough and other municipalities in its system. The Petitioner shall continue to provide and maintain fiber access return lines at: Borough Hall (500 Main Street); Metuchen Public Library (480 Middlesex Avenue); and Metuchen High School (400 Grove Avenue) for use by the Borough for non-commercial PEG access programming in the cable television system. The Petitioner currently provides a public access studio for access users. The studio production equipment includes, at a minimum, television cameras, microphones, lighting and recording equipment.
11. In the event that the Petitioner moves the Borough's PEG access channel to another channel position during the term of the franchise, the Petitioner shall reimburse the Borough for costs reasonably incurred by the Borough in relation to the move, such as printing expenses, advertising costs and other methods of public outreach to inform the Borough residents of the change. Such costs shall not exceed \$2,500.00. Upon the Borough making a request for reimbursement, the Borough shall provide the Petitioner with an itemized list of expenses for which it seeks reimbursement.
12. The Petitioner shall provide the Borough with a grant for any cable and/or other telecommunications related purpose and/or for the support of PEG access programming such as purchase and/or rental of PEG access equipment and facilities in the total amount of \$45,000.00 as follows: an initial grant of \$10,000.00 within 60 days of the issuance of the Certificate and annually thereafter, within 90 days from receipt of a written request from the Borough, the Petitioner shall provide an additional grant payment of \$2,500.00 for the following 14 years. The Petitioner shall be relieved of future payments if it converts its municipal consent to a system-wide franchise as provided by N.J.S.A. 48:5A-25.1(a). Upon payment of each portion of the contribution, the Petitioner shall provide the Office of Cable Television with proof of satisfaction of this obligation.
13. Upon written request of the Borough, the Petitioner shall provide one standard installation and monthly cable television reception service, free of charge, to all State or locally accredited public schools, all municipal public libraries, and all municipal buildings located in the Borough.
14. Upon written request of the Borough, the Petitioner shall provide, free of charge, basic Internet service via one high-speed cable modem, including standard installation, to State and locally accredited elementary and secondary schools, all municipal public libraries, and to one municipally-owned facility located in the

Borough. Each location shall be permitted, at its own cost, to network additional computer terminals to the cable modem provided by the Petitioner.

15. The Petitioner shall offer a 10% discount off the basic monthly rate of broadcast basic service to senior citizens meeting the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled program, as allowed by N.J.S.A. 48:5A-11.2. The Petitioner shall have no further obligation to provide the senior discount in the event it converts its system to a system-wide franchise as provided by N.J.S.A. 48:5A-25.1(a), or if the Board certifies another cable television company as being capable of serving 60 percent or more of the households in the Borough. Notice shall be provided in accordance with applicable law, in the event the Petitioner ceases to provide the discount.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), Petitioner has the municipal consent necessary to support the petition, that such consent and that the 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 that the Petitioner is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this 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 that 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 contained therein 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.

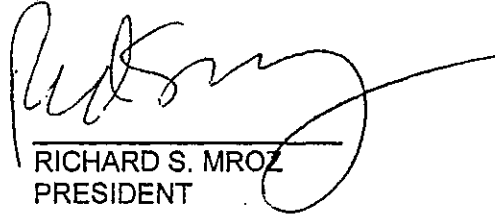
This Certificate shall expire on February 6, 2031.

This Order shall be effective on February 6, 2016.

DATED:

Jan 28, 2016

BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

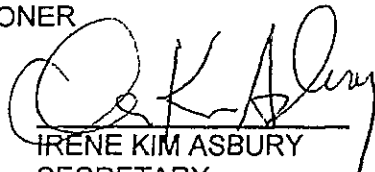

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

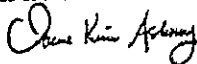

DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

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



APPENDIX "I"
OFFICE OF CABLE TELEVISION
LINE EXTENSION POLICY

CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY
BOROUGH OF METUCHEN

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

- | | | | |
|----|--|---|---|
| 1. | <u># of homes in extension</u>
mileage of extension | = | Homes per mile (HPM) of
extension |
| 2. | <u>HPM of extension</u>
Minimum HPM that company
actually constructs in the
system | = | Ratio of the density of the
extension to the minimum
density which the
company constructs in
the system ("A") |
| 3. | Total cost of building the
extension times "A" | = | Company's share of
extension cost |
| 4. | Total cost of building
extension less company's
share of extension cost | = | Total amount to be
recovered from
subscribers |
| 5. | Total amount to be
<u>recovered from subscribers</u>
Total subscribers in the
extension | = | Each subscriber's share |

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right-of-way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once the share of the extension cost for an individual dwelling has been paid, future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension, no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

IN THE MATTER OF THE PETITION OF CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY FOR RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
BPU DOCKET NO. CE15091034

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