



Agenda Date: 10/14/20
Agenda Item: 3B

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 THE CERTAIN RESPONSES BY)
SPECTRUM NEW YORK METRO, LLC F/K/A TIME)
WARNER CABLE NEW YORK CITY LLC TO LETTERS)
OF INQUIRY REGARDING FORM F99 AND RELATED)
FILINGS FOR FISCAL YEARS ENDED DECEMBER 31)
2018 AND 2019)
ORDER ACCEPTING OFFER)
OF SETTLEMENT)
DOCKET NO. CO20100636)

Party of Record:

Dennis Linken, Esq., Scarinci and Hollenbeck, LLC, on behalf of Spectrum New York Metro, LLC, f/k/a Time Warner Cable New York City LLC

BY THE BOARD:

Spectrum New York Metro, LLC (“SNYM”), formerly known as Time Warner Cable New York City LLC, an indirect subsidiary of Charter Communications, Inc. (“Charter Communications”), owns and operates a cable television system in New Jersey serving fourteen municipalities¹ pursuant to N.J.S.A. 48:5A-1 et seq., municipal consents issued by said municipalities and Certificates of Approval issued by the New Jersey Board of Public Utilities (the “Board”).

The Board’s Office of Cable Television and Telecommunications (hereinafter “OCTV&T” or “Office”) uncovered a number of apparent deficiencies during the course of a review and investigation of the OCTV Form F99 filed by SNYM for fiscal years ending December 31, 2018 and 2019, financial statements for the calendar year ending December 31, 2019 and Form 10K. The Office alleges that SNYM was not conforming to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq., as more specifically set forth in Attachment 1 (‘Schedule of Alleged Violations’). The aforementioned statutes require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between SNYM and the OCTV&T, on October 8, 2020, SNYM submitted an Offer of Settlement (“Offer”)

¹ Cliffside Park, Edgewater, Englewood, Englewood Cliffs, Fairview, Fort Lee, Leonia, Little Ferry, Moonachie, Palisades Park, Ridgefield, Ridgefield Park and Teterboro in Bergen County, and Guttenberg in Hudson County (collectively, known as the “Bergen System”)

concerning the non-conforming practices outlined on the attached schedule of the alleged violations. In the Offer of Settlement submitted by SNYM, SNYM did not admit to any violations and made a monetary offer in the amount of \$156,000.00 in order to resolve all issues concerning the violations alleged by the Office.

The Board has reviewed the matter and **HEREBY FINDS** that the Offer represents a reasonable settlement of the alleged violations. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by SNYM subject to the following conditions:

1. SNYM shall tender \$156,000.00, payable to Treasurer, State of New Jersey within fifteen (15) days of the effective date of the Board Order accepting this Offer of Settlement.
2. SNYM, its parents, affiliates, subsidiaries and successors shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than December 14, 2020, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
 - a. going forward SNYM shall seek approvals from the Board, as required by N.J.S.A. 48:5A-42.
 - b. SNYM complies with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

The Office will monitor SNYM or its successor's future procedures and obligations as set forth in the State Cable Television Act and the New Jersey Administrative Code.

The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses only those allegations specifically referenced in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting SNYM or a successor company or operator.

For purposes of assessing penalties for future offenses by SNYM, or a successor company or operator its parents, affiliates, subsidiaries and successors that may now or in the future operate the cable television system that is the subject of this Offer of Settlement, such future offenses shall be within the range permitted for violations under N.J.S.A. 48:2-42 and shall be considered subsequent offenses for violations, in accordance with N.J.S.A. 48:5A-51(b).

This Offer of Settlement also does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of SNYM or a successor company or operator its parents, affiliates, subsidiaries, and successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other Board appropriate action.

This Offer of Settlement relieves SNYM, its parents, affiliates, subsidiaries and successors, from any liability for these specific violations of the State Cable Television Act outlined in attached Schedule of Alleged Violations that have been alleged by the Board and are the subject of this Offer of Settlement only.

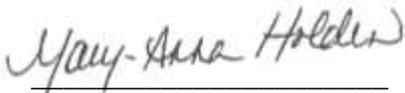
This Order shall be effective on October 14, 2020.

DATED: October 14, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



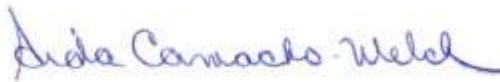
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COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER



ATTEST: AIDA CAMACHO-WELCH
SECRETARY

**ATTACHMENT 1
SCHEDULE OF ALLEGED VIOLATIONS**

OFFER OF SETTLEMENT

DOCKET NO. CO20100636

1. SNYM failed to obtain Board approval prior to five (5) transactions involving credit facility refinancing, pursuant to N.J.S.A. 48:5A-42, during in the years of 2016, 2017 and 2019.
2. SNYM failed to obtain Board approval prior to eleven (11) transactions involving secured bond offering, pursuant to N.J.S.A. 48:5A-42, during in the years of 2017, 2018, 2019 and 2020.
3. SNYM failed to obtain Board approval prior to a transaction involving mortgage note payment guarantee, pursuant to N.J.S.A. 48:5A-42 in the year of 2018.

**IN THE MATTER OF THE CERTAIN RESPONSES BY SPECTRUM NEW YORK METRO,
LLC F/K/A TIME WARNER CABLE NEW YORK CITY LLC TO LETTERS OF INQUIRY
REGARDING FORM F99 AND RELATED FILINGS FOR FISCAL YEARS ENDED
DECEMBER 31 2018 AND 2019**

**OFFER OF SETTLEMENT
DOCKET NO. CO20100636**

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