



Agenda Date: 1/15/25

Agenda Item: 3A

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE APPLICATION FOR)	SYSTEM-WIDE CABLE TELEVISION
RENEWAL OF A SYSTEM-WIDE CABLE)	FRANCHISE RENEWAL
TELEVISION FRANCHISE FOR CABLEVISION)	
OF NEW JERSEY, LLC)	DOCKET NO. CE24100829

Parties of Record:

Vaughn Parchment, Esq., Norris McLaughlin, P.A., on behalf of Cablevision of Oakland, LLC

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On October 22, 2024, Cablevision of New Jersey, LLC ("Cablevision NJ" or "Petitioner") filed an application with the New Jersey Board of Public Utilities ("Board") for the renewal of a system-wide cable television franchise for its current system-wide franchise serving twenty-one (21) municipalities, pursuant to P.L. 2006, c. 83 ("system-wide cable television franchise Act" or "Act"), which modified the existing state Cable Television Act ("CATV Act"), N.J.S.A. 48:5A-1 et seq., to allow for competitive system-wide franchises.

BACKGROUND

On June 10, 2009, the Board issued an order memorializing the conversion by Cablevision NJ of its municipal consent-based franchise in the Township of Fair Lawn to a system-wide cable television franchise in Docket No. CE09030230, for a term of seven (7) years to expire on March 20, 2016. Cablevision NJ has added an additional twenty (20) municipalities to its system-wide cable television franchise.¹ On March 18, 2016, the Board issued a renewal system-wide cable television franchise to Cablevision NJ for a term of seven (7) years which expired on March 20, 2023, in BPU Docket No. CE15111316. A list of the current twenty-one (21) municipalities included in Cablevision NJ's system-wide cable television franchise is attached as Appendix "I".

¹ The addition of these municipalities was memorialized by Orders of Amendment issued by the Board on August 4, 2010, September 16, 2010, November 10, 2010, February 10, 2011, July 23, 2014, and September 11, 2015.

On August 26, 2020, Cablevision NJ notified the Board of its intention to renew its system-wide cable franchise. On November 2, 2023, the Board notified Cablevision NJ of its intention to review its performance under its system-wide cable television franchise pursuant to 47 U.S.C. § 546, N.J.S.A. 48:5A-19(b), and N.J.A.C. 14:18-14.16, and invited Cablevision NJ to file comments on its performance under its system-wide cable television franchise and to assess how it will meet the future needs of the communities listed in its franchise application. Cablevision NJ filed its initial comments with the Board on December 1, 2023. On July 24, 2024, the Board issued a report ("Ascertainment Report") on Cablevision NJ's performance under its system-wide cable television franchise and the future system-wide cable television franchise needs of the State and the municipalities under the system-wide cable television franchise.

APPLICATION

On October 22, 2024, Cablevision NJ filed its application for renewal of a system-wide franchise with the Board. Cablevision NJ is a wholly owned subsidiary of Altice USA, Inc. ("Altice"), which collectively holds franchises in 179 New Jersey municipalities through its various affiliates.

Copies of the application were provided to the New Jersey Division of Rate Counsel ("Rate Counsel"), as well as to the clerks of all of the municipalities currently served. Following its review of Cablevision NJ's application, Staff of the Board's Office of Cable Television and Telecommunications ("OCTV&T") issued a request seeking additional follow-up information on November 20, 2024. Cablevision NJ filed its responses on November 26, 2024, which addressed Staff's concerns.

In its application, Cablevision NJ sought to renew its existing system-wide franchise, which provides service to a total of twenty-one (21) municipalities located in Bergen and Hudson counties.

Cablevision NJ confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28(h) through (n), as required by the system-wide cable television franchise Act. Specifically, N.J.S.A. 48:5A-28(h) through (n) imposes 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.

N.J.S.A. 48:5A-28(h) requires a cable television system-wide franchise operator 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. In a number of municipalities, Cablevision of NJ is required to continue to provide, at a minimum, service to any residence or business along any public right-of-way in the Primary Service Area at no cost beyond the installation rates contained in its schedule of prices, rates, terms and conditions filed with the Board as applicable. In a number of other municipalities, Cablevision NJ is required to provide service to residents in residentially zoned areas at no cost beyond the installation rates contained in its schedule of prices, rates terms and conditions filed with the Board and in commercially zoned areas in accordance with the LEP attached to this order as Appendix "II", utilizing a homes per mile ("HPM") figure of twenty (20) for the municipalities specified below.

N.J.S.A. 48:5A-28(i) requires a cable television company operating under a system-wide franchise to provide two (2) PEG access channels upon request of a municipality. Cablevision NJ has agreed to provide two (2) PEG access channels for all of the municipalities. Further, upon written

request of any municipality, Cablevision NJ will provision the access channels in the same manner and quality as commercial channels, and will provide notice of the PEG channel designations as required by applicable statute and rules. Pursuant to this section, the municipalities would be responsible for the management, operations and programming of the PEG access channels that are under its control. Pursuant to N.J.A.C. 14:18-15.4(b), either Cablevision NJ or any of the municipalities may request assistance from the OCTV&T for resolution of any disputes regarding the terms and conditions of the provision of the access channels. N.J.S.A. 48:5A-28(i) also requires all cable television companies operating in a municipality to provide PEG access interconnection on reasonable terms and conditions with all other cable television companies.

N.J.S.A. 48:5A-28(j) and (k) require a cable television operator under a system-wide franchise to provide a single outlet of free basic cable television service and free Internet service to any fire station, public school, police station, public library, or other building used for municipal purposes. Cablevision NJ will continue to provide these services to the municipalities and has committed to install cable and Internet services to any qualified building within ninety (90) days of written request by the municipalities, free of charge, provided that the location is passed by active cable television plant. Pursuant to N.J.A.C. 14:18-15.5(b), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(l) requires a cable television company operating under a system-wide franchise to provide equipment and training for PEG access users, without charge, on a schedule to be agreed upon between the municipality and the cable television company. Cablevision NJ has committed to provide use of video production equipment, without charge, for qualified access users to create access content, and provide training in accordance with a schedule agreed upon by the municipalities and Cablevision NJ, but in a number not to exceed four times per year, in conformance with N.J.A.C. 14:18-15.6. Furthermore, pursuant to N.J.A.C. 14:18-15.6(d), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(m) requires a cable television company operating under a system-wide franchise to provide a return line. Cablevision NJ has committed to provide a return line, upon written request, from any one location in the municipalities to Cablevision NJ's cable television system for PEG access use, which, at a minimum, will provide the municipalities with the ability to cablecast live or taped access programming in real time to Cablevision NJ customers. Furthermore, pursuant to N.J.A.C. 14:18-15.4(c), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(n) requires Cablevision NJ to continue to "meet any consumer protection requirements applicable, pursuant to board regulations, to cable television companies operating under certificates of approval." Cablevision NJ has certified in its application that it will meet the requirements of this section.

Cablevision NJ has also committed to maintaining, under its system-wide franchise, the same liability limits required under N.J.S.A. 48:5A-28(f). Cablevision NJ will continue to maintain commercial general liability insurance coverage with respect to claims related to bodily injury, property damage or other claims arising out of Cablevision NJ's construction and operation of its cable television system in amounts that are at least: 1) \$150,000 for bodily injury or death to any one person, within the limit, however, of \$500,000 for bodily injury or death resulting from any one (1) accident; 2) \$100,000 for property damage resulting from any one (1) accident; and 3) \$50,000 for other commercial general liability claims.

The system-wide cable television franchise Act requires cable television companies operating under a system-wide franchise to pay increased franchise fees from two percent (2%) of basic cable television service revenues to three and one-half percent (3.5%) of gross cable television service revenues, as well as an amount not to exceed one-half percent (0.5%) of gross revenues for a CATV Universal Access Fund. N.J.S.A. 48:5A-30.

Pursuant to N.J.A.C. 14:18-5.1, all cable television operating companies are required to maintain "in or within reasonable proximity of its service area, a local business office, the current location of which shall be furnished to the [OCTV&T] where applications for service, complaints, service inquiries, bill payments, and so forth will be received." Cablevision NJ currently maintains local offices at the following locations: 26 Goldborough Drive, Bayonne, New Jersey, and 12-20 River Road, Fair Lawn, New Jersey. Any modification to the location of the offices will be subject to the approval process specified at N.J.A.C. 14:18-5.1(c).

Finally, the requirements set forth in N.J.S.A. 48:5A-25.2(a) are not applicable to Cablevision NJ, as Cablevision NJ does not provide more than forty percent (40%) of the local exchange telephone service market in the State.

PUBLIC HEARINGS

Pursuant to N.J.S.A. 48:5A-16(f), two (2) virtual public hearings were held by the Board in this matter on December 4, 2024. In accordance with N.J.S.A. 48:5A-18(a), notice of the public hearings was posted on the Board's website and in newspapers of general circulation throughout the State more than ten (10) days in advance of the hearings. The notice indicated that written comments could be filed until December 11, 2024, or five (5) days following the public hearings. At the hearings, the public was invited to provide oral and/or written comment on the application, and the hearings were transcribed by a court reporter, with the transcripts included in the record of this matter. At both hearings, Cablevision NJ discussed company highlights and the positive benefits the application will have for the municipalities. Rate Counsel noted the importance of public comment and stated that it would provide written comments to the Board regarding the application and the issuance of the system-wide cable television franchise.

On December 11, 2024, Rate Counsel filed a letter with the Board, which was subsequently modified on December 12, 2024.² Rate Counsel stated that it is satisfied the system-wide franchise Renewal Application, together with the supplemental information filed by the applicant provided on November 26, 2024 meets the statutory and regulatory requirements under N.J.S.A.48:5A-28 to provide service for the twenty-one (21) municipalities and accordingly supports approval of the Petitioner's system-wide franchise Renewal Application. No other comments were made at either public hearing or filed electronically thereafter.

DISCUSSION

In determining whether to issue Cablevision NJ a renewal of its system-wide cable television franchise, the Board may only consider that which is allowed by the State Cable Act, which provides, at N.J.S.A. 48:5A-16(f), that "[i]n determining whether a system-wide cable television franchise should be issued, the board shall consider only the requirements of sections 17 and 28 of P.L. 1972, c.186 (C. 48:5A-17 and C. 48:5A-28)."

² The December 11, 2024, letter supplied by Rate Counsel was modified on December 12, 2024 to correct a minor technical error in the docket number, with all other information being identical.

N.J.S.A. 48:5A-17 permits the Board to issue a system-wide cable television franchise following its review of the application, where it finds the applicant has complied or is ready, willing and able to comply with all applicable rules and regulations imposed or pursuant to State or federal law as preconditions for providing cable television service. N.J.S.A. 48:5A-28 sets forth the elements in the application for a system-wide cable television franchise and the required commitments of a system-wide cable television franchise applicant. The Board's review of the application ensures that Cablevision NJ's application satisfies the requirements set forth by the Legislature.

Rate Counsel's comments recommended that the Board approve the application subject to the statutory review noted above (N.J.S.A. 48:5A-17 and N.J.S.A. 48:5A-28). Cablevision NJ has demonstrated that they have substantially complied with all of the requirements imposed by the relevant statutes and regulations.

CONCLUSION

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to the system-wide cable television franchise Act and the CATV Act, Cablevision NJ has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that Cablevision NJ 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 is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, Cablevision NJ is **HEREBY ISSUED** this renewal system-wide cable television franchise, for a period of seven (7) years, as evidence of the Petitioner's authority to operate a cable television system within the jurisdiction set forth in its application, subject to the following conditions:

1. All of the commitments, statements and promises contained in the application for renewal of this system-wide cable television franchise and any amendments thereto submitted in writing to the Board, except as modified herein, are hereby adopted and binding upon Cablevision NJ as terms and conditions of this renewal system-wide cable television franchise, and included as conditions as if fully set forth herein. The application and any other relevant writings submitted by Cablevision NJ shall be considered a part of this system-wide cable television franchise and made part hereof by reference.
2. Cablevision NJ may convert and add existing municipal consent-based franchises and affected municipalities to its system-wide franchise authorization, pursuant to the requirements set forth in N.J.S.A. 48:5A-25.1.
3. Cablevision of NJ shall comply with N.J.S.A. 48:5A-28(h) in Bergenfield Borough, Closter Borough, Fair Lawn Borough, Harrington Park Borough, Haworth Borough, Hillsdale Borough, New Milford Borough, Northvale Borough, Oradell Borough, Paramus Borough, River Vale Township, Saddle River Borough, and Woodcliff Lake Borough, Cablevision NJ shall provide service to residents in residentially zoned areas at no cost beyond the installation rates contained in its schedule of prices, rates, terms and conditions filed with the Board and in commercially zoned areas in accordance with the LEP attached to this order (Appendix "II") based upon a minimum of twenty (20) homes per mile.
4. Under N.J.A.C. 14:18-5.1(a), Cablevision NJ shall maintain a local business office where applications for service, complaints, service inquiries, bill payments, and so forth will be

received. Currently, Cablevision NJ maintains local offices at the following locations: 26 Goldborough Drive, Bayonne, New Jersey, and 12-20 River Road, Fair Lawn, New Jersey. Cablevision NJ shall maintain its local offices in accordance with applicable law.

5. The designated complaint officer for all municipalities in Cablevision NJ's system-wide cable television franchise is the OCTV&T. All complaints shall be received and processed in accordance with applicable rules.
6. Cablevision NJ shall pay a franchise fee to each municipality served in the amount of three and one-half percent (3.5%) of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and 30(d), paid by subscribers in the municipalities.
7. Cablevision NJ shall pay to the State Treasurer, in accordance with its CATV Universal Access Fund now existing or as will exist in the future, an amount of up to one-half percent (0.5%) of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and 30(d), paid by subscribers in the municipalities.
8. Cablevision NJ shall maintain an informational schedule of prices, rates, terms and conditions for unregulated service and promptly file any revisions thereto.
9. Upon written request of a municipality served by its system-wide cable television franchise, Cablevision NJ shall provide or continue to provide and maintain a return line or other method of interconnection from any one location in the municipality, without charge, to a location of interconnection in its cable television system in order to allow live or taped cablecasting of PEG access programming by the municipality. The return line or interconnection shall be provided in accordance with N.J.A.C. 14:18-15.4(c).
10. Upon written request of a municipality served by its system-wide cable television franchise, Cablevision NJ shall provide and maintain up to two (2) PEG access channels. If a municipality requests more than two (2) PEG access channels, the municipality shall demonstrate the need for the additional PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)(1). The municipality shall assume all responsibility for the management, operations and programming of the PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)(4).
11. Pursuant to N.J.S.A. 48:5A-28(l), Cablevision NJ shall continue to provide equipment and training for municipalities covered by the system-wide cable television franchise without charge, for use in the development of local programming content that can be shown on PEG access channels. Cablevision currently maintains a studio location at 352 Central Avenue, Newark, New Jersey. The hours of operation are from 9:00am to 5:00pm, Monday through Friday, by appointment, on a first come, first served basis. Cablevision provides training at the access studio upon request. A municipality or its designee wishing to use the studio must have an access user application on file and submit a completed studio time user application. A municipality or its designee wishing to receive training must have an access user application on file and submit a completed access training application.
12. Upon written request of a municipality served by its system-wide cable television franchise, Cablevision NJ shall install and maintain, without charge, one (1) service outlet activated for basic cable television service and, as set forth in the application, Internet service, to each fire station, public school, police station, public library and any other such

building used for municipal purposes, in accordance with N.J.S.A. 48:5A-28(j) and N.J.A.C. 14:18-15.5.

13. Pursuant to N.J.S.A. 48:5A-28(d) and N.J.A.C. 14:18-14.3, Cablevision NJ shall maintain sufficient bond for the faithful performance of all undertakings by the applicant as represented in the application; and shall have sufficient insurance including the Board, all municipalities served and the applicant as insureds, with respect to all liability for any death, personal injury, property damage or other liability arising out of the applicant's construction and operation of its cable television system.
14. Pursuant to N.J.S.A. 48:5A-28(n), Cablevision NJ shall continue to comply with any applicable consumer protection requirements.

This renewal of Cablevision NJ's system-wide cable television franchise is subject to all applicable State and federal laws, the rules and regulations of the OCTV&T, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. Cablevision NJ shall adhere to the applicable 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 this Renewal system-wide cable television franchise.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the OCTV&T and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Renewal system-wide cable television franchise.

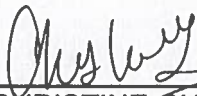
This renewal system-wide cable television franchise is issued on the representation that the statements contained in Cablevision NJ's application are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Board or the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1, et seq.

Cablevision NJ's Renewal system-wide cable television franchise shall expire on March 20, 2030.

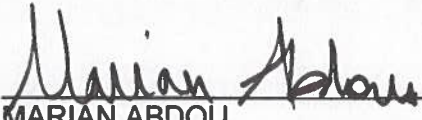
This Order shall be effective on January 22, 2025.

DATED: January 15, 2025

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST: 
SHERRI L. GOLDEN
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”
 Cablevision of New Jersey
 System-wide Cable Television Franchise Municipalities

#	Municipality	County	Date Converted
1	Bayonne City	Hudson	8/3/2015
2	Bergenfield Borough	Bergen	1/11/2010
3	Closter Borough	Bergen	7/19/2010
4	Demarest Borough	Bergen	11/19/2010
5	Dumont Borough	Bergen	1/11/2010
6	Emerson Borough	Bergen	7/19/2010
7	Fair Lawn Borough	Bergen	3/20/2009
8	Harrington Park Borough	Bergen	11/19/2010
9	Haworth Borough	Bergen	1/11/2010
10	Hillsdale Borough	Bergen	1/11/2010
11	New Milford Borough	Bergen	11/19/2010
12	Northvale Borough	Bergen	11/19/2010
13	Norwood Borough	Bergen	7/19/2010
14	Old Tappan Borough	Bergen	12/15/2010
15	Oradell Borough	Bergen	1/11/2010
16	Paramus Borough	Bergen	1/11/2010
17	River Vale Township	Bergen	9/23/2010
18	Rockleigh Borough	Bergen	7/19/2010
19	Saddle River Borough	Bergen	9/17/2010
20	Tenafly Borough	Bergen	6/13/2014
21	Woodcliff Lake Borough	Bergen	7/19/2010

APPENDIX "II"
Office of Cable Television and Telecommunications
Line Extension Policy

Company: Cablevision of New Jersey, LLC

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. | # of homes in extension
mileage of extension | = | homes per mile ("HPM")
of extension |
| 2. | HPM of extension
Minimum HPM that
company actually
constructs in the
system* | = | ratio of the density
of the extension to the
minimum density that 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
recovered from subs
Total subscribers in
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 breakeven 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 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 thirty (30) days of such a request.
2. Begin construction within sixty (60) days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six (6) 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 an individual dwelling has paid its share of the extension cost, future reconnections or installations shall be made at the company's standard rates.
5. After a period of five (5) years from the installation of the first dwelling unit in the extension, no further adjustments shall be made. Installations after five (5) 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 THE APPLICATION FOR RENEWAL OF A SYSTEM-WIDE CABLE TELEVISION FRANCHISE
FOR CABLEVISION OF NEW JERSEY, LLC

DOCKET NO. CE24100829

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