

**Initial Comments of Cablevision of Monmouth, LLC
In Support of the Renewal of its System-Wide Franchise**

I. INTRODUCTION

Cablevision of Monmouth, LLC (“Cablevision of Monmouth,” or the “Company”) submits the following comments in response to the November 16, 2015 request of the Office of Cable Television (“OCTV”). In that request, OCTV seeks comment on Cablevision of Monmouth’s performance under its existing system-wide franchise, and on how the Company intends to meet the future needs of the system’s communities should the Board of Public Utilities (“Board”) renew the franchise.

As discussed in detail below, since converting its local franchises to the system-wide franchise, Cablevision of Monmouth has met and surpassed the cable-related needs of all of the communities served by the system-wide franchise, and will continue to do so by offering a broad range of innovative services to our customers and by continuing to fulfill our obligations within the statutory and regulatory framework of our system-wide authorization.

II. PROCEDURAL BACKGROUND

On January 11, 2010, Cablevision of Monmouth notified the Board and the Borough of Interlaken of its intention to convert its municipal consent-based franchise in that Borough to a system-wide franchise.¹ On February 11, 2010, the Board issued an Order acknowledging Cablevision of Monmouth’s conversion of the Interlaken franchise to a system-wide franchise,

¹ This conversion was permitted by one of the 2006 amendments to the New Jersey Cable Television Act. *See* N.J.S.A. 48:5A-25.1 (“A cable television company with a municipal franchise or franchises issued prior to the effective date of [the 2006 State Cable Act amendment] may, if it wishes, automatically convert any or all such franchise or franchises into a system-wide franchise upon notice to the board and the affected municipality”)

and establishing a seven-year franchise term, expiring on January 11, 2017.² On seven separate subsequent occasions, Cablevision of Monmouth added several additional communities to the system-wide franchise, and the Board approved each of these additions.³ Cablevision of Monmouth now serves 20 communities in New Jersey pursuant to its system-wide franchise.⁴

On February 5, 2014, Cablevision of Monmouth sent the Board a notice of its intention to seek a renewal of the system-wide franchise.⁵ OCTV subsequently invited Cablevision of Monmouth to comment on its performance and to assess how it will meet the future needs of the communities in the franchise area.⁶ As set forth below, Cablevision of Monmouth's performance under its existing system-wide franchise, as well as its plans to meet the future needs of the communities within the system, support the renewal of its system-wide franchise.

² *In the Matter of Cablevision of Monmouth, LLC for the Conversion to a System-Wide Franchise in the Borough of Interlaken*, Order, BPU Docket No. CE10010023, at 4-6 (February 11, 2010).

³ *In the Matter of Cablevision of Monmouth, LLC for the Conversion to a System-Wide Franchise in the Township of Toms River*, Seventh Order of Amendment, BPU Docket No. CE10010023, at 1-2 (February 20, 2013) (providing an overview of each occasion on which the Board acknowledged and approved Cablevision of Monmouth's addition of municipalities to the system-wide franchise area).

⁴ The 20 communities are: City of Asbury Park, Boroughs of Avon by the Sea, Belmar, Bradley Beach, Brielle, Englishtown, Farmingdale, Interlaken, Lake Como, Manasquan, Neptune City, Sea Girt, Spring Lake, and Spring Lake Heights; and the Townships of Freehold, Millstone, Neptune, Ocean, Toms River, and Wall. In addition, Cablevision of Monmouth continues to serve 11 other municipalities pursuant to municipal consent-based franchises granted to the Company by each of those communities.

⁵ *Letter to Board Secretary Kristi Izzo From Cablevision Area Director, Government & Public Affairs R. Thurman Barnes* (Feb. 5, 2014); *See also* 47 U.S.C. § 546(a) (establishing process for renewal that may be initiated either by the cable operator or the local franchising authority within the 6-month period beginning with the 36th month before franchise expiration).

⁶ *Letter to Cablevision Area Director, Government & Public Affairs R. Thurman Barnes from Director Lawanda R. Gilbert* (Nov. 16, 2015).

III. ASSESSMENT OF CABLEVISION OF MONMOUTH'S PAST PERFORMANCE AND PLANS TO MEET COMMUNITY NEEDS

In August of 2006, the New Jersey legislature enacted comprehensive amendments to the New Jersey Cable Television Act.⁷ This legislation created system-wide franchises, and imposed certain “restrictions and pre-conditions” on the scope of review of applications for renewals of such franchises.⁸ Cablevision of Monmouth’s renewal proceeding is limited to a determination of whether Cablevision of Monmouth’s forthcoming application complies with the requirements of N.J.S.A.48:5A-17 and 48:5A-28.⁹ Prior to approving a renewal, OCTV shall review the past performance of the cable television operator holding a system-wide franchise, and assess the future cable-related needs and interests of the municipalities covered by the system-wide franchise, consistent with N.J.S.A. 48:5A-28.¹⁰

Under N.J.S.A. 48:5A-17, a system-wide franchise applicant must demonstrate that it is willing to conform with the rules and obligations applicable to cable operators under state and federal law.¹¹ By virtue of Cablevision of Monmouth’s lawful operation under the prior municipal consent franchises approved by the Board, and Cablevision of Monmouth’s automatic conversion of these franchises to a system-wide franchise pursuant to N.J.S.A 48:5A-25.1,¹²

⁷ See P.L. 2006, c. 83.

⁸ *In the Matter of the Application of Verizon New Jersey, Inc. for Renewal of a System-wide Cable Television Franchise* (“Verizon Renewal Order”), System-wide Cable Television Franchise Renewal, Docket No. CE13080756, at 3 (Jan. 30, 2014).

⁹ *Id.* (quoting N.J.S.A. 48:5A-16(f)); *see also* N.J.A.C. 14:18-14.9.

¹⁰ *See* N.J.A.C. 14:18-14.17.

¹¹ *Verizon Renewal Order*, at 4 (“N.J.S.A. 48:5A-17 permits the Board to issue a system-wide 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 service.”).

¹² *See* note 5, above, for the complete list of communities converted by Cablevision from municipal consent franchises to the system-wide franchise pursuant to N.J.S.A 48:5A-25.1 .

Cablevision of Monmouth has previously met, and continues to meet, the obligations of N.J.S.A. 48:5A-17, and it will affirm its willingness to continue to do so in its application.

While Cablevision of Monmouth's performance assessment herein is focused on the statutory obligations of N.J.S.A 48:5A-28, and related regulations, the scope of these comments does not limit Cablevision of Monmouth's assessment that it is in substantial compliance with all statutory and regulatory obligations of a system-wide franchisee. Further, Cablevision of Monmouth herein provides additional information for the Board's benefit, to give perspective on the wide range of services Cablevision of Monmouth provides to subscribers in the franchise area.

A. Company Background

Cablevision of Monmouth's parent company, Cablevision Systems Corporation, has, for over 40 years, provided advanced communications services to meet the needs of our customers. These services are the direct result of the billions of dollars in infrastructure investment made to build one of the most robust networks in the country.

Over the term of the existing system-wide franchise, the demands for connectivity by our New Jersey customers have increased significantly. Our New Jersey customers want access to data from anywhere, at any time and on a multitude of devices. Cablevision Systems Corporation has met that need by building an advanced, fiber-rich network and coupled it with the most innovative entertainment, information and communications services available in the world. Cablevision Systems Corporation serves over 1 million residential and small business customers in New Jersey using a hybrid fiber and coaxial cable system.

In its 2010 report to the legislature on the effects of the 2006 amendments to the Cable Television Act, the Board emphasized the benefit to consumers of more dynamic, better priced

triple play (voice, video and data) service offerings by incumbent cable operators since the amendments were passed.¹³ Cablevision of Monmouth continues to develop innovative and desirable packages to meet its customer(s)'s needs and to establish the Company's value in the marketplace with respect to its competitors.

Cablevision of Monmouth's advanced and integrated consumer communications services include *iO Interactive Optimum* digital television, *Optimum Online* high speed Internet access, featuring free *Optimum WiFi*, and *Optimum Voice* digital voice offerings.

Small businesses are powered by the Company's world-class telecommunications network with our *Optimum® for business* digital services suite, which features our *Optimum* family of products. The Company also provides broadband, voice and video service to large, enterprise commercial customers through Lightpath, an award-winning competitive local exchange carrier with customers throughout New Jersey.

Some highlights of our *Optimum* products and services include:

- *Broadband Service* - *Optimum Internet* customers can purchase 5 different levels of service including *Optimum Ultra 101*, a 101 mbps broadband Internet service offering.
- *iPad App* – the entire suite of more than 360 standard and high-definition channels live on the iPad and other mobile devices from anywhere in the home.
- *TV to Go* – More than 160 networks available to customers from mobile devices outside the home.

¹³ New Jersey Board of Public Utilities Report to the Governor and Legislature, "*The Effects of the System-Wide Cable Television Franchise in New Jersey*," *Public Law 2006, Chapter 83* ("2010 System-Wide Franchise Report"), at iv & 11 (Jun. 2010).

- Multi-Room DVR- The very first remote storage DVR that allows up to 15 simultaneous recordings (or 75 hours of HD recordings) while watching any channel and play back from multiple rooms within the home.
- Open-Connect – A unique partnership that has allowed the Company to deliver one of the best Netflix viewing experiences in the industry.

B. Performance Under the Existing Franchise

For the purposes of assessing Cablevision of Monmouth’s performance during the current franchise term, the review period at issue runs from January 11, 2010 to the present.¹⁴

Cablevision of Monmouth’s franchise area consists of fully built-out communities converted to a system-wide franchise.¹⁵ The Company provides state-of-the art cable service (along with other advanced services) throughout its entire service footprint.¹⁶ Moreover, Cablevision of Monmouth has at all times materially complied with the obligations imposed upon system-wide franchisees:

Service Availability.¹⁷ Cablevision of Monmouth or its predecessors have provided cable service to some of the communities in the system-wide franchise area since the late 1970s. Today, Cablevision of Monmouth delivers cable service and other advanced digital services by

¹⁴ See 47 U.S.C. § 546(a)(1)(B) (stating that the scope of a franchise renewal proceeding under the Federal Cable Act is “for the purposes of . . . reviewing the performance of the cable operator under the franchise *during the then current franchise term*”) (emphasis added).

¹⁵ In recognition of the different circumstances presented by an existing operator converting to a system-wide franchise as opposed to a new applicant, the legislature exempted those engaging in a conversion from having to identify their service area, describe the service to be provided, meet certain build out milestones and insurance requirements, and provide a schedule of rates. See N.J.S.A. 48:5A-25.1(a) (exempting existing operators converting municipal-consent based to system-wide franchises from requirements of N.J.S.A. 48:5A-28(a) to (g)).

¹⁶ The Company notes that a “system-wide franchise . . . shall not require . . . a CATV company with municipal consents issued prior to the effective date of [the 2006 Cable Television Act amendments] to operate outside of the areas covered by such consents.” N.J.S.A. 48:5A-19(b).

¹⁷ See N.J.S.A. 48:5A-25.2(2)-(4).

maintaining hundreds of miles of plant passing tens of thousands of homes throughout the 20 communities in the franchise area. Cablevision of Monmouth has at all times during the term of the franchise complied with the statutory obligation prohibiting service discrimination against any group of potential residential cable subscribers because of the income levels of the residents of the local area in which such groups reside.

Reporting. As required by law, Cablevision of Monmouth has maintained during the term of the franchise all records of complaints received for a period of at least 3 years beyond the close of the calendar year of the report, and such records are available for inspection by staff of the Office of Cable Television.¹⁸ Further, during the term of the franchise, Cablevision of Monmouth has timely compiled and filed with the Office of Cable Television the annual customer complaint reports, required by N.J.S.A. 48:5A-26.1.

Line Extension. Through its municipal consent franchises, Cablevision of Monmouth has previously constructed a system subject to the minimal line extension obligations prescribed by the Board. Pursuant to N.J.S.A. 48:5A-28(h), by virtue of converting its local franchises to the system-wide franchise, Cablevision of Monmouth is in compliance with the required line extension obligations.

Community Programming and Service. Pursuant to N.J.S.A. 48:5A-28(i) Cablevision of Monmouth offers two public, educational and governmental (“PEG”) channels within each of the municipalities in the system-wide franchise area, based on the cable related needs of each municipality (see Exhibit A for number of PEG channels currently used by each municipality). Cablevision of Monmouth makes available a studio, training, and equipment to interested PEG

¹⁸ See N.J.A.C. 14:18-6.7.

access users resident within the franchise area, subject to its PEG access user policies, pursuant to N.J.S.A. 48:5A-28 (l).

In addition, Cablevision of Monmouth provides free basic video service and free Internet service within each of the communities in the system-wide franchise area. Where requested, Cablevision of Monmouth has fulfilled its obligation under N.J.S.A. 48:5A-28(m) to provide return feeds to municipalities for the purpose of interconnecting to the Company's system to distribute PEG programming.

Cablevision of Monmouth provides other valuable programming and services to the community that exceed statutory requirements for its system-wide franchise. The Company's award winning News 12 channel focuses on news for residents both in the system and throughout the state. It is the only cable news channel dedicated solely to New Jersey news. The Company's *Optimum Community* program, formerly called *Power to Learn*, provides schools within the system-wide franchise area with valuable community service and support, in addition to the free basic video service and Internet service described above.

Consumer Protection. Cablevision of Monmouth has substantially complied with all consumer protection obligations under applicable law, as required by N.J.S.A. 48:5A-28(n). Among these, Cablevision of Monmouth abides by the minimum customer service and consumer protection standards in the OCTV regulations.¹⁹ Further, Cablevision of Monmouth provides required "complaint officer" notifications, and maintains a required local business office, which is currently located at 1501 18th Avenue, Wall Township, New Jersey 07719.²⁰

¹⁹ See N.J.A.C. 14:18-3.1 through 3.27

²⁰ See N.J.S.A. 48:5A-26.

Franchise Fees. Pursuant to N.J.S.A. 48:5A-30(d), Cablevision of Monmouth pays a franchise fee in the amount of 3.5% to each of the municipalities in the system, plus a payment of 0.5% to the State Treasurer to support the CATV Universal Access Fund. At all times during the term of the existing franchise, Cablevision of Monmouth met its franchise fee obligations in accordance with applicable law, including timely payment of annual franchise fees by January 25th accompanied by the required written verifications.²¹

Cablevision of Monmouth has materially complied with all of its existing franchise obligations, and the Company's performance record since its conversion to a system-wide franchise supports renewal of the franchise.

C. Cable-Related Needs

The obligations imposed upon system-wide franchisees by the New Jersey Cable Television Act are designed to delineate the cable-related needs of the communities included in such a franchise, and ensure a uniform cable service experience across those communities. By fulfilling its statutory obligations as a system-wide franchise holder under the New Jersey Cable Television Act, Cablevision of Monmouth currently meets the existing cable-related needs of the communities it serves. Further, by committing to continue to meet all of these obligations for the duration of any renewed franchise in the future, as Cablevision of Monmouth will do when it submits its renewal application, the Company will adequately address the future cable-related needs and interests of the system-wide franchise communities.

²¹ Cablevision notes that some of the communities now part of the system-wide franchise were for at least some part of the franchise term served under a municipal consent-based franchise under which Cablevision's franchise fee obligation was 2% of gross revenues, payable to the only the municipality. See N.J.S.A. 48:5A-30(a) & (d). At all relevant times (January 11, 2010 to the present), Cablevision was in compliance with the applicable franchise fee payment obligations imposed upon it at the time the payments were due.

IV. CONCLUSION

For the reasons outlined above, Cablevision of Monmouth has fulfilled its obligations under its existing system-wide franchise and will continue to meet the needs of the community on a going-forward basis through its continued adherence to its obligations. Cablevision of Monmouth is confident that at the conclusion of the renewal process contemplated by the Federal Cable Act and the New Jersey Cable Television Act, the Board will grant Cablevision of Monmouth a renewal of its system-wide franchise.

EXHIBIT A

**NUMBER OF PEG CHANNELS CURRENTLY USED BY EACH MUNICIPALITY IN
CABLEVISION OF MONMOUTH, LLC SYSTEM-WIDE FRANCHISE***

MUNICIPALITY	PEG CHANNELS IN USE
Asbury Park	2
Avon By The Sea	1
Belmar	1
Bradley Beach	1
Brielle	1
Englishtown	1
Farmingdale	1
Freehold Township	1
Interlaken	1
Lake Como	1
Manasquan	1
Millstone Township	1
Neptune City	1
Neptune Township	1
Ocean Township	1
Sea Girt	1
Spring Lake	1
Spring Lake Heights	1
Toms River	1
Wall Township	1

*Data current as of February 2016