



Agenda Date: 2/20/13
Agenda Item: III G

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

| | | |
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| IN THE MATTER OF CSC TKR, LLC D/B/A |) | |
| CABLEVISION OF MORRIS FOR APPROVAL OF |) | ORDER ADOPTING |
| THE FILING OF FCC FORM 1240, AN ANNUAL |) | STIPULATION OF |
| UPDATING OF THE MAXIMUM PERMITTED RATE FOR |) | FINAL RATES |
| THE REGULATED BASIC CABLE SERVICE USING THE |) | |
| OPTIONAL EXPEDITED RATE PROCEDURES |) | DOCKET NO. CR12110977 |

Parties of Record:

Gregory Buscarino, Esq., Vice President, Business Planning & Regulatory Product Management, Cablevision Systems Corporation
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On November 2, 2012, CSC TKR, LLC d/b/a Cablevision of Morris ("Petitioner") filed Federal Communications Commission ("FCC") Form 1240, which was subsequently assigned Docket Number CR12110977, seeking approval by the Board of Public Utilities ("Board") for an annual rate adjustment in its maximum permitted rate resulting from an adjustment for inflation, channel changes, programming costs and copyright fees pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

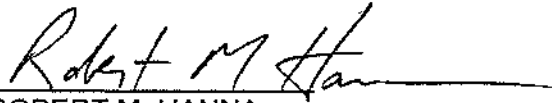
In the Matter of an Optional Expedited Rate Procedure for Cable Companies and the Application of the Optional Expedited Procedure to the Cable Companies that File FCC Forms 1205 and/or 1210 and All Future Forms Developed and Approved by the Federal Communications Commission, BPU Docket No. CX95120636, Order dated January 12, 1996, the Board approved the implementation of optional expedited rate procedures for the processing of certain filings made with the Office of Cable Television. The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution, the discovery content is limited, thereby reducing the timeframe for settlement.

The above referenced true up procedure does not exclude any cable system party to this Order.

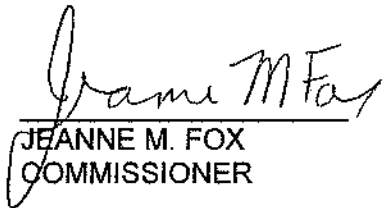
This Order shall be effective on March 2, 2013.

DATED: 2/20/13

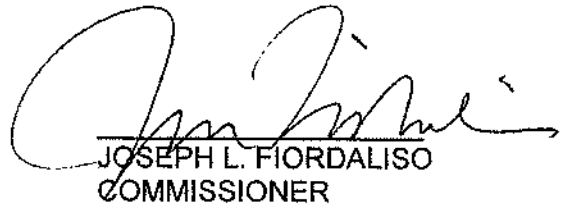
BOARD OF PUBLIC UTILITIES
BY:



ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER

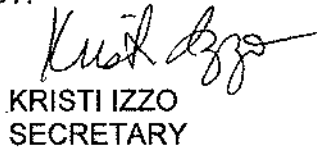


JOSEPH L. FIORDALISO
COMMISSIONER



MARYANNA HOLDEN
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

IN THE MATTER OF CSC TKR, LLC D/B/A CABLEVISION OF MORRIS FOR APPROVAL OF
THE FILING OF FCC FORM 1240, AN ANNUAL UPDATING OF THE MAXIMUM PERMITTED
RATE FOR REGULATED BASIC CABLE SERVICE USING THE OPTIONAL EXPEDITED
RATE PROCEDURES

DOCKET NUMBER: CR12110977

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|----------------------------------|---|------------------------------|
| IN THE MATTER OF CSC TKR, LLC |) | <u>CABLE TELEVISION</u> |
| D/B/A CABLEVISION OF MORRIS' |) | |
| FILING OF FCC FORM 1240 UPDATING |) | |
| THE MAXIMUM PERMITTED RATE |) | STATE OF NEW JERSEY |
| FOR REGULATED CABLE SERVICE |) | BOARD OF PUBLIC UTILITIES |
| USING THE OPTIONAL EXPEDITED |) | |
| RATE PROCEDURES |) | BPU DOCKET NUMBER CR12110977 |

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1240 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and,

As part of the Optional Expedited Rate Procedures (Approved January 12, 1996, Docket No. CX95120636), CSC TKR, LLC d/b/a Cablevision of Morris ("Petitioner") agreed to waive the Petitioner's litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect the Petitioner's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public educational and governmental channels) and associated equipment and installation and (ii) cable programming services ("CPS") (consisting of other regulated tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority"; and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. § 76.900 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. § 76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on November 2, 2012, Petitioner, serving Hopatcong, Netcong, Mount Arlington and Boonton Township, filed a Form 1240, Docket Number CR12110977 with the Board seeking approval of inflation, channel change and external cost adjustments for a total increase in the Maximum Permitted Rate ("MPR") of 3.4 % for the rate cycle of February 1, 2013 to January 31,

2014 for a rate increase from \$10.42 to \$10.77, exclusive of franchise fees, which would result in a total increase in the MPR for basic service of \$.35 per month. The Operator Selected Rate ("OSR") will be \$10.77 effective February 1, 2013 for the same rate cycle of February 1, 2013 to January 31, 2014; and

WHEREAS, the Board Staff ("Staff") and the Division of Rate Counsel ("Rate Counsel"), upon review of the FCC Form 1240, supporting documentation and schedules thereto agree that the proposed MPR and OSR rates are just and reasonable; and

WHEREAS, Staff, Rate Counsel and Petitioner have engaged in discussions of this matter; and

WHEREAS, Staff, Rate Counsel and Petitioner have concluded that the Petitioner is entitled to the above-referenced adjustment which it seeks in its FCC Form 1240 filing;

NOW, THEREFORE, Staff, Rate Counsel, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed MPR rate increase via a newspaper announcement and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the increase in the MPR for basic service due to inflation, channel changes and external costs under Docket Number CR12110977 and the OSR is February 1, 2013.
3. The rate cycle established under Docket Number CR12110977 is February 1, 2013 to January 31, 2014. However, during this period, if Petitioner chooses to decrease the OSR, with proper notice to its subscribers and the Board, this decrease will not affect the established rate cycle.
4. This stipulated rate increase shall be subject to the approval of the Board and all revenues collected as a result of this adjustment shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds this rate increase to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Final Rates resolves all issues raised by this filing which are the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items, by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other

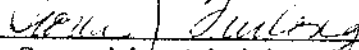
proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation. That is, each signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore, they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

**GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION**

DATED: 2/4/13

By: 
Supervising Administrative Analyst

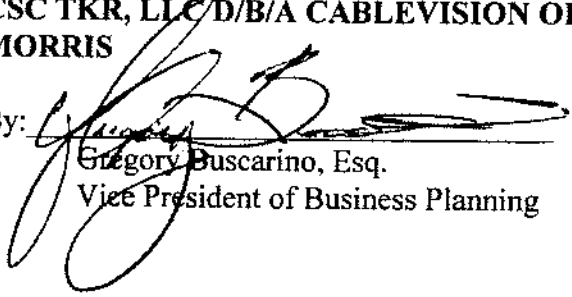
**DIVISION OF RATE COUNSEL
STEFANIE A. BRAND, ESQ., DIRECTOR**

DATED: 2/1/13

By: 
Jose Rivera-Benitez, Esq.
Assistant Deputy Rate Counsel

**CSC TKR, LLC D/B/A CABLEVISION OF
MORRIS**

DATED: 1/10/13

By: 
Gregory Buscarino, Esq.
Vice President of Business Planning