



Agenda Date: 9/27/23
Agenda Item: IIIC

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 OF CSC) RENEWAL CERTIFICATE OF
TKR, LLC FOR RENEWAL OF A CERTIFICATE OF) APPROVAL
APPROVAL TO CONTINUE TO OPERATE AND)
MAINTAIN A CABLE SYSTEM IN THE TOWNSHIP)
OF FRELINGHUYSEN, COUNTY OF WARREN,)
STATE OF NEW JERSEY.) DOCKET NO. CE22020109

Parties of Record:

Vaughn Parchment, Esq., Norris McLaughlin, P.A., on behalf of CSC TKR, LLC
Donna Zilberfarb, Clerk, Township of Frelinghuysen, New Jersey

BY THE BOARD:

On July 18, 1996, the New Jersey Board of Public Utilities (“Board”) granted Service Electric Cable T.V. of New Jersey, Inc. (“SECTV”) a Certificate of Approval (“Certificate”), in Docket No. CE93110525, for the construction, operation and maintenance of a cable television system in the Townships of Hardwick, Frelinghuysen, Hope, and Knowlton (“Municipalities”) on a regional basis, pursuant to N.J.S.A. 48:5A-17(b)(2). On October 26, 2011, SECTV filed an application for the renewal of its municipal consent with the Municipalities, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. However, when negotiations between the Municipalities and SECTV were unsuccessful, on November 17, 2014, SECTV petitioned the Board for renewal of the Certificate by direct certification, pursuant to N.J.S.A. 48:5A-17(d), in Docket No. CE14111328.¹

On July 2, 2020, the Board approved the transfer of the Certificate from SECTV to CSC TKR, LLC (“Petitioner”), a wholly-owned subsidiary of Altice USA, Inc., in Docket No. CM20030211. After the Petitioner’s acquisition of the franchise, it decided to no longer proceed with a single regionalized franchise and negotiated separate municipal consent franchises for each of the individual Municipalities.

¹ On December 5, 2022, the Petitioner filed a formal request to withdraw the petition.

On November 18, 2020, the Township of Frelinghuysen ("Township"), after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner ("2020 Ordinance"), and thereafter amended the ordinance on January 20, 2021 ("Amended Ordinance"). On December 28, 2021, the Petitioner formally accepted the terms and conditions of the 2020 Ordinance. On February 28, 2022, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township. On December 19, 2022, the Petitioner filed an amended Petition to include the history of the regionalized franchise, of which the Township was a part, in order to provide a complete record. Thereafter, on June 9, 2023, Cablevision formally accepted the terms and conditions of both the 2020 Ordinance and the 2021 Amended Ordinance. Although, by its terms, the Petitioner's above referenced Certificate expired on July 18, 2011, the Petitioner is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Renewal Certificate.

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the 2020 Ordinance, the Amended Ordinance, and the petition for a Renewal Certificate of Approval. Based upon this review and the recommendation of the Office of Cable Television and Telecommunications, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial, and technical qualifications for the awarding of a Certificate. Further, these qualifications were reviewed by the Township 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 Amended Ordinance is 10 years from the date of issuance of this certificate, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Petitioner shall extend service along any public right of way in its primary service area, including the development known as Homestead Farms², to those residences or small businesses within the franchise territory at standard and non-standard installation charges. The Petitioner shall utilize the line extension policy attached to the Certificate (Appendix "I") for any extension outside of the Primary Service Area. The minimum homes per mile ("HPM") figure is 25.
6. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.

² In the July 2, 2020 Board Order approving transfer of the Certificate from SECTV to Petitioner in Docket No. CM20030211, the company agreed to complete construction within 180 days of closing, to serve the entirety of the development known as Homestead Farms in the Township. On February 9, 2021 the Petitioner confirmed that the required construction was completed in the Township.

7. Pursuant to statutory requirements, the Amended Ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.
8. During the term of this franchise, and any renewal thereof, the Petitioner shall maintain a local business office or agent in Sussex County for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment, malfunctions, and similar matters. The Petitioner currently maintains a local office located at: 320 Sparta Avenue, Sparta, New Jersey.
9. The franchise fee to be paid to the Township 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 its cable television reception service in the Township or any additional amount 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.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the Amended Ordinance. Specifically, the Petitioner shall continue to provide one (1) educational access channel and one (1) public access channel. The Petitioner maintains a public access studio available for access to users upon advance request located at 352 Central Avenue, Newark, New Jersey. The location of the studio and the method of providing such studio is subject to change.
11. The Petitioner shall, upon written request, provide free of charge one (1) standard installation and Basic monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings, located within the Township.
12. Upon written request from the Township, the Petitioner shall provide to the Township at: (a) Town Hall at 210 Main Street and; (b) one (1) additional Township owned facility currently passed by the Petitioner's System, without charge, the following: one (1) standard installation; one (1) cable modem per installation; and cable modem service for the term of this Certificate for each installation. This offer shall be subject to the terms, conditions, and use policies of the Petitioner as those policies may exist from time to time.
13. The Petitioner shall implement a senior citizen discount in the amount of 10% off the monthly broadcast basic level of cable television service rate to any person 62 years of age or older who subscribes to cable television services provided by the Petitioner, subject to the terms stated in the Amended Ordinance.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has the municipal consent necessary to support the petition; that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 to 64; 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 and federal law as preconditions for engaging in the proposed cable television operations; that the Petitioner has sufficient financial and technical capacity, and 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 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 Telecommunications, 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 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 Certificate.

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

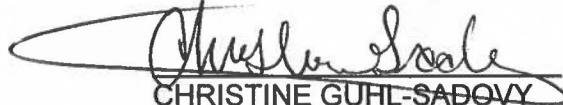
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A-1 to 64.

This Certificate shall expire on October 4, 2033.

This Order shall be effective on October 4, 2023.

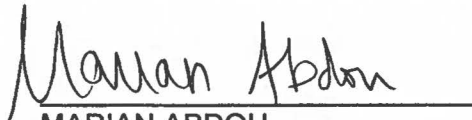
DATED: September 27, 2023

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GURL-SADOVY
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
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"
Office of Cable Television and Telecommunications
Line Extension Policy

Company: CSC TKR, LLC
Municipality: Township of Frelinghuysen, County of Warren

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. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}}$ = homes per mile ("HPM") of extension
2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system*}}$ = 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. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$ = 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 OF THE APPLICATION OF CSC TKR, LLC, FOR RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A CABLE SYSTEM IN THE TOWNSHIP OF FRELINGHUYSEN, COUNTY OF WARREN, STATE OF NEW JERSEY

DOCKET NO. CE22020109

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