



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF CSC TKR, LLC FOR THE) FOURTH ORDER OF AMENDMENT
CONVERSION TO A SYSTEM-WIDE FRANCHISE)
IN NINE MUNICIPALITIES: THE TOWNSHIP OF)
ABERDEEN, THE BOROUGH OF BOUND BROOK,
THE BOROUGH OF KEANSBURG, THE
BOROUGH OF MATAWAN, THE TOWNSHIP OF)
MINE HILL, THE TOWNSHIP OF RANDOLPH, THE
BOROUGH OF RARITAN, THE BOROUGH OF)
UNION BEACH AND THE BOROUGH OF)
VICTORY GARDENS) DOCKET NO. CE10010024

Adam Falk, Vice President, Government and Regulatory Affairs, Cablevision Systems Corporation, Bethpage, New York, for CSC TKR, LLC

Township Clerk, Township of Aberdeen, New Jersey, by Karen Ventura;
Borough Clerk, Borough of Bound Brook, New Jersey, by Donna Marie Godleski;
Borough Clerk, Borough of Keansburg, New Jersey, by Thomas Cusick;
Borough Clerk, Borough of Matawan, New Jersey, by Jean Montfort;
Township Clerk, Township of Mine Hill, New Jersey, by Patricia Corpos;
Township Clerk, Township of Randolph, New Jersey, by Dona Marie Luciani;
Borough Clerk, Borough of Raritan, New Jersey, by Paula Huefner;
Borough Clerk, Borough of Union Beach, New Jersey, by Mrs. Mary Sabik;
and Borough Clerk, Borough of Victory Gardens, New Jersey, by Deborah Evans, for the municipalities.

BY THE BOARD:

On February 11, 2010, the Board of Public Utilities ("Board") issued an order memorializing the conversion by CSC TKR, LLC of its municipal consent-based franchise in the Borough of Allentown to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on January 11, 2017. On August 4, 2010, the Board issued an Order of Amendment to include five additional municipalities: the Township of Denville, the Town of Dover, the Borough of Morris Plains, the Township of Rockaway and the Township of Warren. On September 16, 2010, the Board issued a Second Order of Amendment to include five additional municipalities: the Township of Hanover, the Borough of Madison, the Borough of Manville, the Town of Morristown and the Borough of Somerville. On December 6, 2010, the Board issued a Third Order of Amendment to include eight additional municipalities: the

Borough of Chatham, the Township of East Hanover, the Township of Hamilton, (Mercer County), the Borough of Keyport, the Township of Morris, the Borough of Rockaway, the Borough of South Bound Brook and the Borough of Wharton.

Pursuant to N.J.S.A. 48:5A-25.1 and N.J.A.C. 14:18-14.13, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of the P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "Act") may automatically convert any or all of its municipal consent-based franchises upon notice to the Board and to the affected municipality or municipalities. In addition, pursuant to N.J.A.C. 14:18-14.14, a cable television company operating under a system-wide franchise may add municipalities to its system-wide franchise upon notice to the affected municipality or municipalities and the Board.

On December 15, 2010, CSC TKR, LLC filed notice with the Township of Aberdeen, the Borough of Bound Brook, the Borough of Keansburg, the Borough of Matawan, the Township of Mine Hill, the Township of Randolph, the Borough of Raritan, the Borough of Union Beach and the Borough of Victory Gardens that it would convert its municipal consent ordinance-based franchises in the municipalities, thereby making them part of its CSC TKR, LLC system-wide franchise, and it confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28 (h)-(n), as required by the System-wide Cable Television Franchise Act. That notice was received by the Board on December 17, 2010.

DISCUSSION

Under N.J.S.A. 48:5A-25.1, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of the Act may automatically convert any or all of its municipal consent-based franchises upon notice to the Board and to the affected municipality without meeting the requirements applicable to cable television operators applying for a system-wide franchise, except that the commitment requirements under N.J.S.A. 48:5A-28 (h)-(n) shall be applicable to all system-wide franchises, including conversions. N.J.S.A. 48:5A-28(h)-(n) impose 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. As noted above, CSC TKR, LLC has committed to provide service to the municipalities as required by these provisions.

DISPOSITION OF CERTIFICATE OF APPROVAL AND UNDERLYING MUNICIPAL CONSENT

As discussed above, the Act allows a cable television company, operating under a municipal consent ordinance-based franchise, to "automatically convert" its system in any or all of its municipalities without approval from the Board or the impacted municipalities. N.J.S.A. 48:5A-25.1(a). Furthermore, N.J.S.A. 48:5A-19 provides that a "certificate of approval issued by the board shall be valid for 15 years from the date of issuance... or until the expiration, revocation, termination or renegotiation of any municipal consent upon which it is based, whichever is sooner."

CSC TKR, LLC's Certificate of Approval and the underlying municipal consent ordinance in the Township of Aberdeen expired on November 17, 2009. CSC TKR, LLC initiated renewal proceedings with the Township of Aberdeen and was thereby authorized to continue to provide cable television service to the Township of Aberdeen pursuant to N.J.S.A. 48:5A-25, pending

disposition of the proceedings regarding the renewal of its Certificates. Because CSC TKR, LLC has now converted its municipal consent based-franchise in the Township of Aberdeen to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board **FINDS** that CSC TKR, LLC's Certificate of Approval for the Township of Aberdeen has expired by operation of law.

CSC TKR, LLC's Certificates of Approval and underlying municipal consent ordinances were set to expire as follows: in the Borough of Bound Brook on October 20, 2020; in the Borough of Keansburg on August 22, 2022; in the Borough of Matawan on September 14, 2020; in the Township of Mine Hill on March 3, 2014; in the Township of Randolph on May 12, 2014; in the Borough of Raritan on June 24, 2014; and in the Borough of Union Beach and the Borough of Victory Gardens on August 18, 2015. Because CSC TKR, LLC has now converted these municipal consent based-franchises to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board **FINDS** that CSC TKR, LLC's Certificates of Approval for the Borough of Bound Brook, the Borough of Keansburg, the Borough of Matawan, the Township of Mine Hill, the Township of Randolph, the Borough of Raritan, the Borough of Union Beach and the Borough of Victory Gardens are hereby terminated.

CSC TKR, LLC is authorized to provide cable television service to the municipalities, pursuant to its converted System-wide franchise and the requirements of N.J.S.A. 48:5A-28(h)-(n) and applicable law.

With regard to N.J.S.A. 48:5A-28(h), a system-wide cable television franchise operator is required 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. Therefore, because CSC TKR, LLC was the incumbent municipal consent-based franchise holder in these municipalities, it is required to continue to provide, at a minimum, service to any residence in the nine municipalities in accordance with its policies in effect at the time of conversion. Accordingly, in the Borough of Bound Brook, CSC TKR, LLC shall provide service to any resident in the Borough at no cost beyond the installation rates as contained in its schedule of prices, rates, terms and conditions on file with the Board. CSC TKR, LLC shall provide service to the primary service area ("PSA") of each municipality at no cost beyond the installation rates as contained in its schedule of prices, rates, terms and conditions on file with the Board. In the Township of Randolph, CSC TKR, LLC shall provide service outside its PSA in accordance with the LEP attached to the original order with a homes per mile figure ("HPM") of 20. In the Borough of Keansburg, the Township of Mine Hill and the Borough of Raritan, CSC TKR, LLC shall provide service outside its PSA in accordance with the LEP attached to the original order with an HPM of 25. In the Township of Aberdeen, the Borough of Matawan, the Borough of Union Beach and the Borough of Victory Gardens, CSC TKR, LLC shall provide service outside its PSA in accordance with the LEP attached to the original order with an HPM of 35.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY RATIFIES** the addition of the Township of Aberdeen, the Borough of Bound Brook, the Borough of Keansburg, the Borough of Matawan, the Township of Mine Hill, the Township of Randolph, the Borough of Raritan, the Borough of Union Beach and the Borough of Victory Gardens to CSC TKR, LLC's System-wide Franchise.

This Fourth Order of Amendment to the System-wide Franchise serves to add the Township of Aberdeen, the Borough of Bound Brook, the Borough of Keansburg, the Borough of Matawan, the Township of Mine Hill, the Township of Randolph, the Borough of Raritan, the Borough of

Union Beach and the Borough of Victory Gardens to CSC TKR, LLC's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that February 11, 2010 Order, except with respect to the HPM to be used with the LEP.

Without limitations to the full requirements set forth in that Order, the Board reminds CSC TKR, LLC that, under the System-wide Franchise, it is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. To the extent possible based upon the technology used in providing service, CSC TKR, LLC 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 the System-wide Franchise.

Failure to comply with all applicable laws, rules, regulations or orders of the Board or the Office of Cable Television or the terms, conditions or limitations set forth herein may subject CSC TKR, LLC to penalties, as enumerated in N.J.S.A. 48:5A-51, and may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Fourth Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in CSC TKR, LLC's applications, notices, and other writings 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.

DATED: 2/10/11

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER

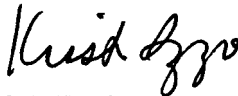


JOSEPH L. FIORDALISO
COMMISSIONER



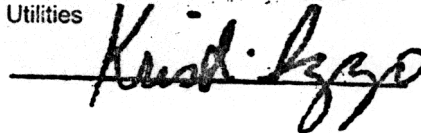
NICHOLAS ASSELTA
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



SERVICE LIST

IN THE MATTER OF CSC TKR, LLC FOR THE CONVERSION TO A SYSTEM-WIDE CABLE TELEVISION FRANCHISE FOR NINE MUNICIPALITIES: THE TOWNSHIP OF ABERDEEN, THE BOROUGH OF BOUND BROOK, THE BOROUGH OF KEANSBURG, THE BOROUGH OF MATAWAN, THE TOWNSHIP OF MINE HILL, THE TOWNSHIP OF RANDOLPH, THE BOROUGH OF RARITAN, THE BOROUGH OF UNION BEACH AND THE BOROUGH OF VICTORY GARDENS

**FOURTH ORDER OF AMENDMENT
DOCKET NO. CE10010024**

Adam Falk, Vice President
Government and Public Affairs
Cablevision Systems Corporation
1111 Stewart Avenue
Bethpage, NY 11714-3581

Sidney Sayovitz, Esq.
Schenck, Price, Smith & King
PO Box 991
Florham Park, NJ 07932-0991

Karen Ventura, Clerk
Township of Aberdeen
One Aberdeen Square
Aberdeen, NJ 07747-2396

Donna Marie Godleski, Clerk
Borough of Bound Brook
230 Hamilton Street
Bound Brook, NJ 08805

Thomas Cusick, Clerk
Borough of Keansburg
29 Church Street
Keansburg, NJ 07734

Jean Montfort, Clerk
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

Patricia Corpos, Clerk
Township of Mine Hill
10 Baker Street
Mine Hill, NJ 07803-3084

Dona Marie Luciani, Clerk
Township of Randolph
502 Millbrook Avenue
Randolph, NJ 07869-3799

Paula Huefner, Clerk
Borough of Raritan
22 First Street
Raritan, NJ 08869

Mrs. Mary Sabik, Clerk
Borough of Union Beach
650 Poole Avenue
Union Beach, NJ 07735

Deborah Evans, Clerk
Borough of Victory Gardens
337 S. Salem Street
Victory Gardens, NJ 07801

Celeste Fasone, Director
Board of Public Utilities
Office of Cable Television
Two Gateway Center, Suite 801
Newark, NJ 07102

Karen A. Marlowe, AA1
Board of Public Utilities
Office of Cable Television
Two Gateway Center, Suite 801
Newark, NJ 07102

Alex Moreau
Deputy Attorney General
Division of Law
124 Halsey Street, PO Box 45029
Newark, New Jersey 07101

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
31 Clinton Street, PO Box 46005
Newark, NJ 07102

Chris White, Esq.
Division of Rate Counsel
31 Clinton Street, PO Box 46005
Newark, NJ 07102