Agenda Date: 08/16/06
Agenda Item: IIIB

STATE OF NEW JERSEY

Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC TKR, INC. D/B/A CABLEVISION OF MORRIS FOR RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, STATE OF NEW JERSEY	ORDER OF AMENDMENT TO A RENEWAL CERTIFICATE OF APPROVAL DOCKET NO. CE06070511 DOCKET NO. CE04020117

SERVICE LIST ATTACHED

BY THE BOARD:

On May 12, 2004, the Board granted CSC TKR, Inc. d/b/a Cablevision of Morris ("Petitioner") a Renewal Certificate of Approval in Docket No. CE04020117 for the Township of Randolph ("Township").

Subsequently, the Township and the Petitioner entered into negotiations to amend the municipal consent ordinance upon which the Certificate is based. The Township wished to designate the Office of Cable Television as complaint officer for the Township. The Township's municipal consent ordinance had designated the Assistant Township Manager as complaint officer. On June 1, 2006, the Township amended its municipal consent ordinance of November 6, 2003. On June 16, 2006, the Petitioner accepted the terms and conditions of the amended ordinance.

On July 12, 2006, the Petitioner filed a petition for Amendment of the Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based. The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

> Provision No. 7 of the Renewal Certificate issued on May 12, 2004 in Docket No. CE04020117 is amended to provide that the complaint officer designated to receive and act upon complaints filed by subscribers in the Township is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.

Therefore, the Petitioner is **HEREBY ISSUED** this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the Township. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval 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.

The Petitioner shall adhere to the 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 Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval 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 enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

DATED: 8/18/06

BOARD OF PUBLIC UTILITIES
BY:

Jeanne M. Fox
JEANNE M. FOX
PRESIDENT

Frederick F. Butler
FREDERICK F. BUTLER
COMMISSIONER

Connie O. Hughes
CONNIE O. HUGHES
COMMISSIONER

JOSEPH L. FIORDALISO
COMMISSIONER

Christine V. Bator
CHRISTINE V. BATOR
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

Kristi Izzo

BPU DOCKET NO. CE06070511
BPU DOCKET NO. CE04020117

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Agenda Date: 5/12/04
Agenda Item: IIID

STATE OF NEW JERSEY

Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
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CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC TKR, INC. D/B/A CABLEVISION OF MORRIS FOR RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, STATE OF NEW JERSEY	RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE04020117

SERVICE LIST ATTACHED

BY THE BOARD[1]

On April 27, 1978, the Board granted Morris Cablevision a Certificate of Approval in Docket No. 762C-6146 for the construction, operation and maintenance of a cable television system for the Township of Randolph ("Township"). On June 11, 1982, the Board approved the transfer of the Certificate of Approval from Morris Cablevision to Sammons Communications of New Jersey, Inc. ("Sammons") in Docket No. 823C-6894. On September 8, 1995, the Board issued a Renewal Certificate of Approval for the Township to Sammons, in Docket No. CE93030097. On February 28, 1996, in Docket No. CM95080400, the Board approved the transfer of the Certificate of Approval from Sammons to TKR Cable Company ("TKR"). On December 17, 1997, in Docket No. CF97090674, the Board approved the transfer of the Certificate of Approval for the Township from TKR to CSC TKR, Inc. d/b/a Cablevision of Morris ("Petitioner"). Although the Petitioner's above referenced Certificate expired on May 27, 2003, it 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 Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on October 22, 2002, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent on November 6, 2003.

Commissioner Frederick F. Butler did not participate in the deliberation or the vote on this matter.

On January 6, 2004, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On February 18, 2004, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1 The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications 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 ordinance shall be for a term of ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.

5. The Township shall review the performance of the Petitioner during the third and sixth year of operation under this consent, as specified in the ordinance. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner reasonable opportunity to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after reasonable opportunity to cure has passed and the deficiency has not been cured.

6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.

7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Assistant Township Manager. All complaints shall be received and processed in accordance with the applicable rules.

8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 683 Route 10 East, Randolph, 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. 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 utilize the line extension policy attached to this Certificate as Appendix "I" with a homes per mile figure of 20.

1 The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to maintain a cable return path from its system headend to the County College of Morris located at 214 Center Grove Road in the Township in order to enable the college to provide educational programming on the Petitioner's educational access channel or such alternative educational access channel as may be designated by the Petitioner.

12. The Petitioner shall continue to make available two channels for purposes such as PEG access use, as set forth in the application. These channels may be shared with other municipalities in the system.

13. Upon written request of the Township, the Petitioner shall also produce, at its expense, five programs on an annual basis for the Township, provided the Petitioner is provided 30 days notice. The programs shall be aired on the local access channel. The Township Manager shall act as the contact person between the Township and the Petitioner with respect to such matters, including approving which programs count towards the Petitioner's requirements and acting as liaison between residents who wish to request that the Petitioner produce a program.

14. The Petitioner shall lend to the Township videotapes of programming related to the Township which are within the Petitioner's possession or control and which have been previously shown on the Petitioner's channel or such other channel the Petitioner uses for its originated programming, provided that the Petitioner may withhold such videotapes on reasonable grounds including but not limited to copyright holders.

15. The Petitioner shall continue its procedure for designating an employee as responsible for taking and addressing comments or complaints with respect to the quality of the PEG designees' transmissions.

16. The Petitioner shall provide the Township with a capital contribution in the amount of $40,000.00 for use by the Township for any cable and/or telecommunications related purposes including to supplement PEG access related production and programming efforts in the Township.

17. Upon written request of the Township, the Petitioner shall provide one standard installation and monthly basic service, free of charge, to all state or locally accredited elementary and secondary public schools and all municipal public libraries as well as to all municipal buildings used for governmental purposes within the Township.

18. Upon written request of the Township, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to each state accredited elementary and secondary school in the Township. The cable modem provided by the Petitioner may be networked up to nine additional computer terminals at each school; however, the costs, including the cost of the router that would be required to network these additional computers will be borne by the entity receiving the service. The router, if purchased from the Petitioner, shall be at a cost not to exceed $2000.00. If the Township decides not to purchase a router, it may at its own cost, network the cable modem to three additional personal computer terminals in the schools.

19. Upon written request of the Township, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to the municipal public library in the Township. The cable modem provided by the Petitioner may be networked up to nine additional computer terminals at each school; however, the costs, including the cost of the router that would be required to network these additional computers will be borne by the public library. The router, if purchased from the Petitioner, shall be at a cost not to exceed $2000.00. If the Township decides not to purchase a router, it may at its own cost, network the cable modem to three additional personal computer terminals in the Township library.

20. Upon written request of the Township, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to one municipal location in the Township. The Township may, at its own cost, network the cable modem to three additional personal computer terminals in the designated building.

21 The Petitioner shall implement a 15% discount for senior citizens and disabled persons, who meet the income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled ("PAAD") program.

22. The Petitioner shall provide a performance bond in the amount of $50,000.00 for the life of the franchise.

It is to be noted here that the Township's municipal consent ordinance requires a performance bond in the amount of $50,000.00. The Cable Television Act requires that, within its application for municipal consent, a cable television company must include evidence of a commitment for a performance bond in an amount of not less than $25,000.00, pursuant to N.J.S.A. 48:5A-28d. Although the municipality must approve the amount, the sufficiency and reasonableness of the performance bond is subject to review by the Office of Cable Television and approval by the Board. The purpose of the performance bond is to ensure all undertakings as promised in the municipal consent application and the ordinance.

The Petitioner has accepted the ordinance in its entirety. The Office of Cable Television has reviewed the issue and recommended that the provision for a bond in the amount of $50,000.00 be approved by the Board. Therefore, this Renewal Certificate of Approval confirms that the Petitioner shall provide a performance bond in the amount of $50,000.00 for the life of the franchise.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), 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 et seq., 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 or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner 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, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate 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. The Petitioner shall adhere to the 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 Office of Cable Television 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

enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

DATED: May 12, 2004

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

APPENDIX "I"

OFFICE OF CABLE TELEVISION
LINE EXTENSION POLICY

CSC TKR, INC. D/B/A CABLEVISION OF MORRIS
TOWNSHIP OF RANDOLPH

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 which 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.

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* 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 break-even 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 and/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 30 days of such a request.

2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.

3. Complete construction within six 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 years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five 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.

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