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BOARD OF PUBLIC UTILITIES

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State of New Jersey
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CHRIS CHRISTIE
Governor

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Lt. Governor

STEFANIA A. BRAND
Director

Via Electronic and Regular Mail

May 5, 2016

Irene K. Asbury, Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Fl., Ste. 314
P.O. Box 350
Trenton, New Jersey 08625-0350

Re: I/M/O Application by Cablevision of Newark for Renewal
of a System-Wide Cable Television Franchise. BPU Docket No. CE17030184

Dear Secretary Asbury:

The Division of Rate Counsel ("Rate Counsel") has reviewed the above-captioned matter filed by Cablevision of Newark, LLC, ("Cablevision of Newark" and/or "Petitioner") seeking the New Jersey Board of Public Utilities' ("Board") approval of Cablevision of Newark's Renewal Application of a system-wide cable television franchise affecting two municipalities in Newark County, New Jersey. Rate Counsel submits the within comments for the Board's review and consideration. Enclosed with this original please find ten copies. Kindly return a date/stamped "Received" and/or "Filed" copy to Rate Counsel for its records. For the reasons that follow, Rate Counsel does not oppose Board approval of Petitioner's Application for Renewal of a System-Wide Cable Television Franchise ("Renewal Application") affecting two municipalities connected to this filing.

Cablevision of Newark, filed its Renewal Application on February 28, 2017. The franchise renewal will impact two towns in the franchise area.¹ Public hearings were held and no objections to Cablevision of Newark's Renewal Application were presented at the public hearings.² The City of Newark on behalf of Newark customers filed a letter of support signed by Mayor Ras J. Baraka on April 25, 2017. Rate Counsel has not received any opposition to the filing. In making its determination the Board pursuant to N.J.A.C. 14:18-14.2, and 14:18-14.13, must examine nine factors which include but are not limited to: the company's technical expertise and experience, services to be provided, the company's financial ability to provide services, and statutory commitments as required under N.J.S.A. 48:5A-28(d), (f), and (h) through (n). If approved the term of the franchise will be seven years as per N.J.A.C. 14:18-14.13(e).

Rate Counsel's review of the Renewal Application and supporting documentation provided by Cablevision of Newark confirm Petitioner's current and continued service offerings and commitments which include and are not limited to a completely two-way capable system, consisting of digitized channels accessible through the use of a digital converter that may require the lease of a digital set top box with a remote unit supplied by Cablevision of Newark.³ Cablevision of Newark will continue to

^{1/} Renewal Application at pp. 1-3. Towns connected to this filing: Newark and South Orange Village, in Essex County, New Jersey.

^{2/} Public Hearings on May 2, 2017 at 4:00 PM, at the South Orange Public Library, 65 Scotland Road, South Orange, New Jersey 07079; and at 6:00 PM, at the Newark Public Library, Centennial Hall (2nd floor), 5 Washington Street, Newark, New Jersey 07102.

^{3/} Renewal Application at pp. 12-16.

Case kept
C. Vachon

provide three channels on its system dedicated to the municipalities in the franchise area solely for non-commercial (public access, educational access and governmental access) PEG programming; although PEG channel location may be subject to change these are currently located on channels 19, 77 and 78 in South Orange Village and channels 77 and 78 in Newark.⁴ The filing notes that Cablevision of Newark 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) through its municipal consent franchises and that no rebuild or upgrade are currently planned for the existing franchise area.⁵ Lastly, among its commitments Cablevision of Newark will continue to provide municipalities with:⁶

- 1) A public access studio in New Jersey available for access users upon advance request, which includes at a minimum: television cameras, microphones, lighting and recording equipment. Cablevision will continue to make training available upon request pursuant to N.J.S.A. 48:5A-28(1); and
- 2) Provide free basic service and free Internet service within each of the communities in the system-wide franchise area and provide return feeds to municipalities to distribute PEG programming where requested;


Rate Counsel is satisfied that Cablevision of Newark's Renewal Application satisfies the statutory and regulatory requirements under N.J.S.A. 48:5A-28, et seq. and N.J.A.C. 14:18-14.1, et seq. and support approval of Cablevision of Newark's Renewal Application for a renewal of a system-wide cable television franchise throughout the municipalities connected with this filing. Accordingly, Rate Counsel does not oppose Board approval of Petitioner's application seeking renewal of a system-wide cable television franchise in the five municipalities connected to this filing.

Thank you for your consideration of Rate Counsel's comments on this matter.

Very truly yours,

STEFANIE A. BRAND,
DIRECTOR
NEW JERSEY DIVISION OF RATE COUNSEL

By:


Maria T. Novas-Ruiz,
Assistant Deputy Rate Counsel

cc: Service List

⁴/ Renewal Application at pp. 12-16.

⁵/ *Id.* at p. 12.

⁶/ *Id.* a 12-13.

**I/M/O the Application by
Cablevision of Newark for
Renewal of a System-Wide Cable
Television Franchise**

BPU Docket No.: CE17030184

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