



Agenda Date: 6/30/17  
Agenda Item: III G

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
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Trenton, New Jersey 08625-0350  
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OFFICE OF CABLE TELEVISION &  
TELECOMMUNICATIONS

IN THE MATTER OF CABLEVISION OF NEWARK )  
FOR THE RENEWAL OF ITS SYSTEM-WIDE )  
CABLE TELEVISION FRANCHISE )  
 )  
 )  
 ) DOCKET NO. CE17030184

**Parties of Record:**

**Robert Hoch, Counsel,** Local Government & Regulatory Affairs, Altice USA, for Cablevision of Newark  
**Stefanie A. Brand, Esq., Director,** New Jersey Division of Rate Counsel

BY THE BOARD:

On August 4, 2010, the Board of Public Utilities ("Board") issued an order memorializing the conversion by Cablevision of Newark of its municipal consent-based franchise in the Township of South Orange Village to a System-wide Cable Television Franchise in Docket No. CE10050327. Cablevision of Newark added the City of Newark, which was memorialized by a Board Order of Amendment dated March 18, 2015, thereby completing conversion of the Cablevision of Newark system. A list of the municipalities included in Cablevision of Newark's System-wide Cable Television Franchise is attached as Appendix "I". On May 26, 2016, in Docket No. CM15111255, the Board approved the merger of Altice, USA and Cablevision Systems Corporation, the parent of Cablevision of Newark. Altice is obligated to abide by all commitments under Cablevision of Newark's franchise agreements. Although by its terms, Cablevision of Newark's System-wide Cable Television Franchise expired on May 11, 2017, it is authorized to continue to provide cable television service, pursuant to N.J.A.C. 14:18-14.18(e).

**BACKGROUND**

On July 1, 2014, the Board notified Cablevision of Newark of its intention to review its performance under its System-wide Cable Television Franchise pursuant to 47 U.S.C. § 546, N.J.S.A. 48:5A-19(b) and N.J.A.C. 14:18-14.16. On July 20, 2016, the Board invited Cablevision of Newark to file comments on its performance under its System-wide Cable Television Franchise and to assess how it will meet the future needs of the communities listed in its franchise application. Cablevision of Newark filed its Initial Comments with the Board on

September 30, 2016. Pursuant to N.J.A.C. 14:18-14.17, on November 30, 2016, the Board issued a report ("Ascertainment Report") on Cablevision of Newark's performance under its System-wide Cable Television Franchise and the future system-wide cable television franchise needs of the State and the municipalities under the system-wide cable television franchise.

On March 1, 2017, Cablevision of Newark filed for renewal of its System-wide Cable Television Franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.A.C. 14:18-14.18. Pursuant to N.J.A.C. 14:18-14.3, the Board was required to hold two public hearings in this matter, which were held on May 2, 2017, in the Township of South Orange Village at 4:00 p.m. and in the City of Newark at 6:00 p.m. Written comments were accepted between May 2, 2017 and June 1, 2017.

### **PUBLIC COMMENT**

At the hearings, the public was invited to provide oral and/or written comment on the application, and the hearings were transcribed by a court reporter, with the transcripts included in the record of this matter. There were no public commenters. At both hearings, the New Jersey Division of Rate Counsel ("Rate Counsel") noted the highlights of Cablevision of Newark's application and stated that it would provide written comments to the Board regarding the application and the issuance of the Renewal System-wide Cable Television Franchise. On May 9, 2017, Rate Counsel filed a letter with the Board stating that it had reviewed the application and supporting documentation and did not oppose Board approval of Cablevision of Newark's application for a Renewal System-wide Cable Television Franchise. On April 25, 2017, Mayor Ras Baraka, City of Newark, New Jersey, submitted a letter expressing his support of the renewal. There were no other commenters. On April 27, 2017, the Boys and Girls Club of Newark submitted a letter indicating their support for the renewal.

### **DISCUSSION**

In 2006, the Legislature passed amendments to the State Cable Act which allowed Cablevision of Newark to apply for and receive a System-wide Cable Television Franchise from the Board (P.L. 2006, c. 83). The Legislature articulated certain restrictions and pre-conditions the Board could consider prior to approving any system-wide cable television franchise applicant. The Board is bound by the enabling statute and the adopted rules for application and enforcement.

In determining whether to issue Cablevision of Newark a renewal of its System-wide Cable Television Franchise, the Board may only consider that which is allowed by the State Cable Act, which provides, at N.J.S.A. 48:5A-16(f), that "[i]n determining whether a system-wide cable television franchise should be issued, the board shall consider only the requirements of sections 17 and 28 of P.L. 1972, c. 186 (C. 48:5A-17 and C. 48:5A-28)."

N.J.S.A. 48:5A-17 permits the Board to issue a system-wide cable television franchise following its review of the application, where it finds the applicant has complied or is ready, willing and able to comply with all applicable rules and regulations imposed or pursuant to State or federal law as preconditions for providing cable television service. N.J.S.A. 48:5A-28 sets forth the elements in the application for a system-wide cable television franchise and the required commitments of a system-wide cable television franchise applicant. The Board's review of the application makes it clear that Cablevision of Newark's application satisfies the requirements set forth by the Legislature.

## **CONCLUSION**

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to the System-wide Cable Television Franchise Act and the Cable Television Act, Cablevision of Newark has complied or is ready 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 Cablevision of Newark 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, Cablevision of Newark is **HEREBY ISSUED** this Renewal System-wide Cable Television Franchise, for a period of seven years, as evidence of Cablevision of Newark's authority to operate a cable television system within the jurisdiction set forth in its application, subject to the following conditions:

1. All of the commitments, statements and promises contained in the application for renewal of this System-wide Cable Television Franchise and any amendments thereto submitted in writing to the Board, except as modified herein, are hereby adopted and binding upon Cablevision of Newark as terms and conditions of this Renewal System-wide Cable Television Franchise, and included as conditions as if fully set forth herein. The application and any other relevant writings submitted by Cablevision of Newark shall be considered a part of this System-wide Cable Television Franchise and made part hereof by reference.
2. In the City of Newark, Cablevision of Newark shall provide service to all residents at no cost beyond standard and non-standard installation rates, contained in its schedule of prices, rates, terms and conditions on file with the Board. Commercial areas shall be constructed in accordance with Cablevision of Newark's schedule of prices, rates, terms and conditions. In the Township of South Orange Village, Cablevision of Newark shall provide service to all residents and businesses at no cost beyond standard and non-standard installation rates, contained in its schedule of prices, rates, terms and conditions on file with the Board.
3. Under N.J.A.C. 14:18-5.1(a), Cablevision of Newark shall maintain a local business office where applications for service, complaints, service inquiries, bill payments, and so forth will be received. Currently, Cablevision of Newark maintains a local office at: 186 West Market Street, Newark, New Jersey. Cablevision of Newark shall maintain its local office in accordance with applicable law.
4. The designated complaint officer for all municipalities in Cablevision of Newark's System-wide Cable Television Franchise is the Office of Cable Television. All complaints shall be received and processed in accordance with applicable rules.
5. Cablevision of Newark shall pay a franchise fee to the Township of South Orange Village and the City of Newark in the amount of 3.5% of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and -30(d), paid by subscribers in the municipality.
6. Cablevision of Newark shall pay to the State Treasurer, in accordance with its CATV Universal Access Fund now existing or as will exist in the future, an amount of up to

0.5% of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and -30(d), paid by subscribers in the municipality.

7. Cablevision of Newark shall maintain an informational schedule of prices, rates, terms and conditions for unregulated service and promptly file any revisions thereto. Rate and channel line-up changes shall be performed in accordance with applicable rules.
8. Upon written request of a municipality served by its System-wide Cable Television Franchise, Cablevision of Newark shall provide and maintain a return line or other method of interconnection from any one location in the municipality, without charge, to a location of interconnection in its cable television system in order to allow live or taped cablecasting of PEG access programming by the municipality. The return line or interconnection shall be provided in accordance with N.J.A.C. 14:18-15.4(c). Cablevision of Newark shall continue to provide and maintain any return line already provided.
9. Upon written request of a municipality served by its System-wide Cable Television Franchise, Cablevision of Newark shall provide and maintain up to two PEG access channels. If a municipality requests more than two PEG access channels, the municipality shall demonstrate the need for the additional PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)1. The municipality shall assume all responsibility for the management, operations and programming of the PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)4.
10. Cablevision of Newark shall continue to provide equipment and training for municipalities covered by the system-wide cable television franchise without charge, for use in the development of local programming content that can be shown on PEG access channels. Cablevision of Newark currently maintains a studio location at 352 Central Avenue, Newark, New Jersey. Cablevision of Newark provides training at the access studio upon request.
11. Upon written request of a municipality served by its System-wide Cable Television Franchise, Cablevision of Newark shall install and maintain, without charge, one service outlet activated for basic cable television service and Internet service to each fire station, public school, police station, public library and any other such building used for municipal purposes, in accordance with N.J.A.C. 14:18-15.5.
12. Pursuant to N.J.A.C. 14:18-14.2, Cablevision of Newark shall maintain sufficient bond for the faithful performance of all undertakings by the applicant as represented in the application; and shall have sufficient insurance including the Board, all municipalities served and the applicant as insureds, with respect to all liability for any death, personal injury, property damage or other liability arising out of the applicant's construction and operation of its cable television system.
13. Pursuant to N.J.S.A. 48:5A-28(n), Cablevision of Newark shall continue to comply with any applicable consumer protection requirements.

This Renewal System-wide Cable Television Franchise 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. Cablevision of Newark shall adhere to the applicable 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 Renewal System-wide Cable Television Franchise.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the 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 Renewal System-wide Cable Television Franchise.

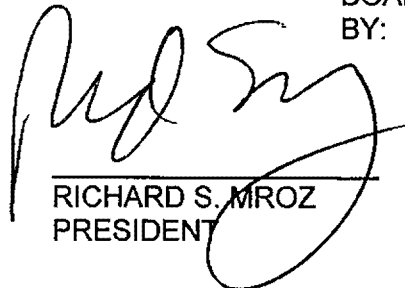
This Renewal System-wide Cable Television Franchise is issued on the representation that the statements contained in Cablevision of Newark's application are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Board or the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

Cablevision of Newark's Renewal System-wide Cable Television Franchise shall expire on May 11, 2024.

This Order shall be effective on July 10, 2017.

DATED: 6/30/17

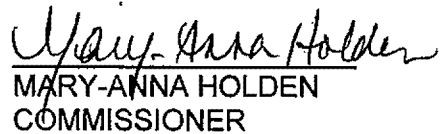
BOARD OF PUBLIC UTILITIES  
BY:



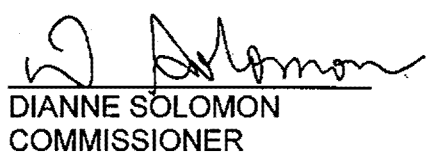
RICHARD S. MROZ  
PRESIDENT



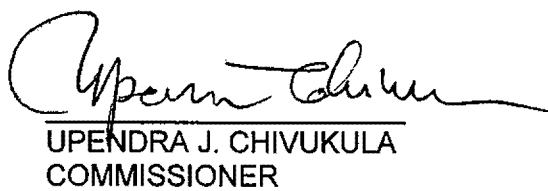
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COMMISSIONER



MARY-ANNA HOLDEN  
COMMISSIONER

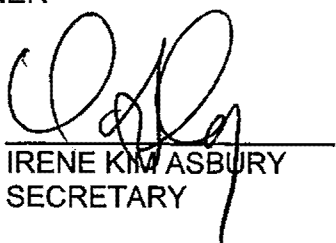


DIANNE SOLOMON  
COMMISSIONER



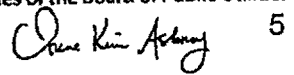
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:



IRENE KIM ASBURY  
SECRETARY

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



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**APPENDIX "I"**  
**SYSTEM-WIDE CABLE TELEVISION FRANCHISE MUNICIPALITIES**  
**CABLEVISION OF NEWARK**

<b>Municipality</b>	<b>County</b>
Township of South Orange Village	Essex
City of Newark	Essex

IN THE MATTER OF CABLEVISION OF NEWARK FOR THE RENEWAL OF ITS SYSTEM-  
WIDE CABLE TELEVISION FRANCHISE  
DOCKET NO. CE17030184

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