

April 13, 2023

**Via Electronic Mail**

Sherri Golden, Board Secretary  
Board of Public Utilities  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-0350

**Re: I/M/O Verified Petition of CSC TKR, LLC v. Borough of Madison**

**Docket No. CC23030139**

Dear Secretary Golden:

Please accept this letter on behalf of CSC TKR, LLC (“Petitioner” or “Altice”) in lieu of a formal reply to the Answer of the Borough of Madison (the “Borough” or “Madison”) that was filed on April 3, 2023.

The Borough argues (in paragraph 6) that it never approved Petitioner’s use of Madison’s poles, but it agrees (in paragraph 4) that the series of franchises going back to 1975 all authorized Petitioner to deploy its facilities in the public right-of-way. Petitioner has continuously exercised these franchise rights pursuant to the agreement between Madison and Verizon New Jersey.

The Borough also argues that Petitioner has failed to meet its statutory obligations pursuant to its system-wide franchise, allegedly by not providing courtesy installations to the Hartley Dodge Memorial Building, the Museum of Early Trades & Crafts or the John Avenue, Loveland Street and Madison Plaza pump and lift stations. Altice has not violated its statutory requirements to provide free service in the Borough under N.J.S.A. 48:5-28 for the following reasons:

1. On or about November 28, 2022, Michael Pellessier, Communication & Technology Coordinator for the Borough of Madison, informed Marilyn Davis of Altice that provision of free service to the Hartley Dodge Memorial Building and the Museum of Early Trades & Crafts was not required. As a result, Altice ceased its survey and design work for these locations. In any event, such work may require construction within the public right of way, which is currently prohibited by the Borough.
2. Provision of free service to the John Avenue, Loveland Street and Madison Plaza (Niles Avenue) pump and lift stations requires construction by Altice to extend its system within the Highways, some of which would require the use of new pole attachments. This is among the type of work previously performed by Altice which is now being prohibited in the Highways by the Borough.

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3. The Borough's demand for service at all 5 locations is unreasonable for the reasons stated above, and should be resolved at the discretion of the Office of Cable Television pursuant to N.J.A.C. 14:18-15.5(b)

The arguments raised by Madison do not justify the Borough's continuing to prevent Altice from deploying the facilities necessary to maintain and improve its duly franchised and installed system. At most, this is a dispute over attachment fees, which should not be used as a pretense to block deployment of new facilities and to maintain existing ones.

Please acknowledge receipt of this letter in accordance with the e-filing procedures approved by the Board on March 19, 2020.

Respectfully submitted,

NORRIS McLAUGHLIN P.A.



VAUGHN PARCHMENT

VP/pc

CC: Lawanda Gilbert, Director (Via Email)  
Nancy Wolf, OCTV&T (Via Email)  
Hon. Robert Conley, Mayor (Via Email)  
Raymond Codey (Via Email)  
Madison Borough Clerk (Via Email)

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