



Agenda Date: 11/21/24  
Agenda Item: IIIB

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF THE VERIFIED PETITION OF ) RENEWAL CERTIFICATE OF  
CABLEVISION OF MONMOUTH, LLC FOR ) APPROVAL  
RENEWAL OF A CERTIFICATE OF APPROVAL TO )  
CONTINUE TO OPERATE AND MAINTAIN A CABLE )  
SYSTEM IN THE TOWNSHIP OF BERKELEY, )  
COUNTY OF OCEAN, STATE OF NEW JERSEY ) DOCKET NO. CE23100725

**Parties of Record:**

**Vaughn Parchment, Esq.**, Norris McLaughlin, P.A., on behalf of Cablevision of Monmouth, LLC  
**Karen Stallings, Clerk**, Township of Berkeley, New Jersey

**BY THE BOARD:**

On January 13, 1977, the New Jersey Board of Public Utilities (“Board”) granted National Video Systems, Inc. a Certificate of Approval (“Certificate”) in Docket No. 744C-6019 for the construction, operation and maintenance of a cable television system in a portion of the Township of Berkeley (“Township”). Due to a series of Board approved transfers, the holder of the Certificate was Monmouth Cablevision Associates (“MCA”) and on August 5, 1993, the Board issued a Renewal Certificate of Approval (“Renewal Certificate”) in Docket No. CE93010028 to MCA. On May 17, 1994, the Board approved the sale of MCA to Cablevision of Monmouth, Inc. (“Cablevision”) in Docket No. CM93120537. The Board issued a Renewal Certificate to Cablevision for the Township on December 2, 2005, in Docket No. CE05070597. Based on a name change, the current holder of the Certificate is now known as Cablevision of Monmouth, LLC (“Petitioner”). Although, by its terms, the Petitioner’s above referenced Certificate expired on December 2, 2020, the Petitioner 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.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about May 11, 2020, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On February 28, 2022, the Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner (“Ordinance”). The Petitioner formally accepted the terms and conditions of the Ordinance on May 16, 2022. On September 20, 2023, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township.

## **DISCUSSION AND FINDINGS**

The Board has reviewed the application for municipal consent, the Ordinance, and the petition for a Renewal Certificate. Based upon this review and the recommendation of the Office of Cable Television and Telecommunications, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial, and technical qualifications for the awarding of a Certificate. Further, these qualifications were reviewed by the Township 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 is fifteen (15) years from the effective date of this Renewal Certificate, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Petitioner shall proffer service along any public right-of-way to any person's residence located in the franchise territory, at no cost beyond standard and non-standard installation charges as set forth in the Petitioner's application. Installations to commercial establishments shall be constructed in accordance with the Petitioner's Commercial Line Extension Policy attached to this Certificate (Appendix "I").
6. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, 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 Office of Cable Television and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.
8. The Petitioner shall establish and maintain during the term of this franchise a local business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions, and similar matters. The Petitioner currently maintains a local office located at 1933 NJ-35, Suite 120, Wall, New Jersey.
9. The franchise fee to be paid to the Township is specified to be two percent (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 or any additional amount required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be paid to the State in an amount not to exceed two percent (2%) of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. 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 provide one (1) channel for public access and

municipal access. The Petitioner shall maintain a public access studio located at 1501 Eighteenth Avenue, Wall, New Jersey, which is available for access users upon advance request. The location of said studio and the method of providing such services is subject to change.

11. The Petitioner will provide the Township with the equipment detailed in "Schedule A" of the Ordinance (or its reasonable equivalent) for the purpose of allowing the Township to operate a community bulletin board for the Petitioner's customers located in the franchise territory. The Township's community bulletin board will be displayed on the current public access/local programming channel or any subsequent channel to which public access/local programming is relocated. Throughout the term of the franchise the Petitioner shall be responsible for the ongoing maintenance and repair of the provided equipment.
12. The Petitioner shall, upon request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public elementary and secondary schools and all municipal public libraries, as well as municipal buildings located within the franchise territory that are used for municipal governmental purposes.
13. The Petitioner shall implement a senior citizen discount in the amount of a minimum of ten percent (10%) off the monthly rate of the broadcast basic level of cable television reception service to any person sixty-two (62) years of age or older who subscribes to the Petitioner's cable television service, subject to the terms stated in the Ordinance.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that 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 to 64; 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 and federal law as preconditions for engaging in the proposed cable television operations; that the Petitioner has sufficient financial and technical capacity, and meets the legal, character and other qualifications necessary to construct, maintain, and operate the necessary installations, lines, and equipment; and that the Petitioner is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the barrier island portion of the Township (commonly known as South Seaside Park) including the Pelican Island portion of the Township. This Renewal Certificate shall not be construed to grant rights to the Petitioner to serve the mainland portion of the Township, currently served by Comcast of New Jersey, LLC, under Docket No. CE12100934.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television and Telecommunications, 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 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 Certificate.

Failure to comply with all applicable laws, rules, regulations, and orders of the Board or the Office of Cable Television and Telecommunications and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

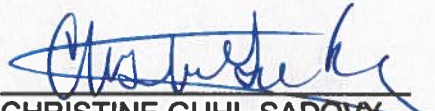
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A-1 to 64.

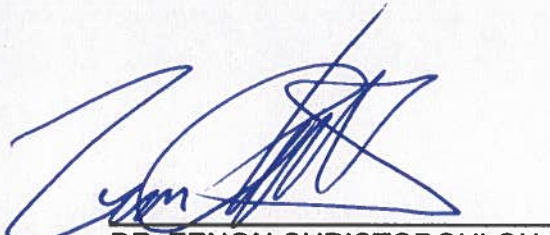
This Certificate shall expire on November 28, 2039.

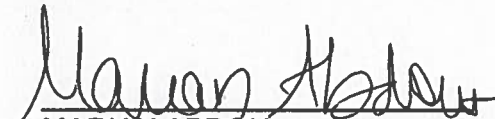
This Order shall be effective on November 28, 2024.

DATED: November 21, 2024

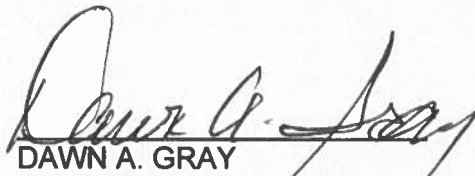
BOARD OF PUBLIC UTILITIES  
BY:

  
CHRISTINE GUHL-SADOVY  
PRESIDENT

  
DR. ZENON CHRISTODOULOU  
COMMISSIONER

  
MARIAN ABDOU  
COMMISSIONER

  
MICHAEL BANGE  
COMMISSIONER

ATTEST:   
DAWN A. GRAY  
EXECUTIVE ASSISTANT

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

**APPENDIX "I"**

**CABLEVISION**

**COMMERCIAL LINE EXTENSION RATE POLICY**

This Commercial Line Extension Rate Policy is applicable to commercial establishments only.

**CABLEVISION**

**COMMERCIAL LINE EXTENSION RATE POLICY**

1. Intent. It is the intent of CABLEVISION that a rate policy be established under which any businesses within the company's franchise areas would have the opportunity to obtain cable television service.

2. Applicability. This line extension rate shall apply to all cable television service extensions, aerial and underground, on public and private lands, provided by CABLEVISION.

3. Definitions.

(a) Line or Service. That situation where the company must extend its existing trunk line and/or distribution cable in order to make a tap available from which a drop line can be run so as to provide cable television service to the applicant's premises. The line or service extension shall include, but not be limited to, all poles, cables, amplifiers, extenders, splitters, taps, right-of-way acquisitions and clearing, trenching, backfilling and any other one-time costs incurred by CABLEVISION in connection with extending service to the applicant. A line or service extension shall not include facilities provided by CABLEVISION pursuant to its applicable installation rates then existing.

(b) Applicant. Any person, firm, corporation or association that applies to CABLEVISION for service to a commercial establishment in the franchise area.

(c) Commercial Establishment. Any building or structure, or portion thereof, not used for residential purposes including, but not limited to, profit and non-profit corporations or associations, which has requested the installation of cable television service requiring line or service extension as defined herein.

(d) Drop Line. That cable which connects the subscriber's television receiver to the cable transmission system by way of a tap.

(e) Tap. A connecting device inserted in the cable transmission line which allows for the connection of a drop line. An aerial or underground "drop line" constitutes a transmission cable running from the distribution or feeder cable to the subscriber's connection or receiver.

(f) Trunk Line. Transmission cable running from headend to trunk amplifiers and through each trunk amplifier in cascade in the system from which connections for distribution and feeder cable are provided.

(g) Distribution or Feeder Cable. Transmission cable which extends from the distribution amplifiers serving specific areas within the system and from which drop lines are extended.

(h) Qualified Subscriber. Any applicant who, as a potential subscriber, has committed to purchase at least the basic service from CABLEVISION for a period of not less than two (2) years.

#### 4. Schedule.

(a) Within thirty (30) days after the date on which the service is requested, but not more than ninety (90) days from the date upon which the request for service was made, CABLEVISION shall furnish the applicant with (1) an estimate request form, (2) a copy of this line extension policy, and (3) notification that service can only be provided by means of a line or service extension.

(b) If the applicant requests a written estimate within thirty (30) days after being advised that service can only be provided by means of a line or service extension, CABLEVISION shall, within sixty (60) days of such request, furnish a written estimate, a construction schedule, and a service extension contract to be signed by the applicant.

(c) The applicant must return a signed service extension agreement within thirty (30) days after receipt of the material described in Paragraph (b) together with a check in the amount of \$50.00 representing a service extension deposit which will be credited against the applicant's contribution in aid of construction invoice to the applicant which must be signed and returned to CABLEVISION with the full payment before construction will commence.

(d) If the applicant fails to meet any of the applicable deadlines or any of the terms herein before set forth without the approval of CABLEVISION, any obligations pertaining to the proposed line or service extension shall cease and be of no further force or effect.

#### 5. Commercial Line Extension Rate Charges.

A commercial establishment requesting line or service extension shall bear all of the following costs to make a tap available from which a drop line may be installed:

(a) The actual cost to CABLEVISION of materials and equipment necessary to make service available plus shipping charges and applicable taxes.

(b) The actual labor costs incurred by CABLEVISION, exclusive of benefits.

(c) The actual costs of designs, surveys, prints and engineering or other such labor involved in the preparation or actual construction required.

(d) The direct costs of any easements, make-ready or other third party actions required to perform and complete construction such as, but not limited to, power companies, telephone companies, road work, trenching or the like.

(e) In addition, the applicant shall pay to CABLEVISION a sum equal to twenty percent (20%) of the entire actual cost of construction as set forth above.

(f) In the event additional commercial subscribers come on-line in an area in which service extension has been provided in accordance herewith, each additional subscriber shall, in addition to the applicable installation rate, be required to contribute their pro-rata share of the original construction costs. Said pro-rata share shall be derived by dividing the original construction cost by the number of then existing on-line subscribers including the additional subscriber(s).

(g) Any funds collected from additional subscribers will be retained by CABLEVISION in an interest-bearing account and distributed equitably so as to equalize all subscriber construction contributions. Distribution will be made two (2) years after the original service extension was provided. After said two (2) year period, there shall be no further apportionment of the original construction cost.

6. Record Keeping and Annual Reports. CABLEVISION shall maintain appropriate records of its costs, subscriber and applicant billings, and revenues resulting from a request for or the construction of a service extension.

7. Ownership of Facilities. CABLEVISION shall own and maintain the facilities for which a service extension is made and any applicant-subscriber shall not acquire any interest herein.

8. Method of Service Extension. CABLEVISION reserves the right to provide either an aerial or underground service extension.

9. Term of Service. The minimum term of at least basic subscriber service for an applicant requesting service extension, or his successors and assigns, shall be twenty-four (24) months after the service extension has been energized. Said term shall be guaranteed by the applicant in the service extension contract specified in Paragraph 4(c) hereof.

IN THE MATTER OF THE VERIFIED PETITION OF CABLEVISION OF MONMOUTH, LLC FOR RENEWAL OF A  
CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A CABLE SYSTEM IN THE  
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY

DOCKET NO. CE23100725

SERVICE LIST

Vaughn Parchment, Esq.  
Norris McLaughlin, P.A.  
400 Crossing Boulevard, 8<sup>th</sup> Floor  
P.O. Box 5933  
Bridgewater, NJ 08807  
[vparchment@norris-law.com](mailto:vparchment@norris-law.com)

Karen Stallings  
Township Clerk  
Township of Berkeley  
P.O. Box B  
627 Pinewald-Keswick Road  
Bayville, NJ 08721  
[registrar@berkeleystownship.org](mailto:registrar@berkeleystownship.org)

Aeisha Hayward  
Government Affairs Manager  
Altice USA  
275 Centennial Avenue  
Piscataway, NJ 08854  
[Aeisha.Hayward@alticeusa.com](mailto:Aeisha.Hayward@alticeusa.com)

James Wallace III  
Counsel - Franchising & Regulatory Policy  
Altice USA | Optimum  
1 Court Square West, 49<sup>th</sup> Floor  
Long Island City, NY 11101  
[james.wallace3@alticeusa.com](mailto:james.wallace3@alticeusa.com)

Brian Quinn  
Senior Director, Government Affairs  
Altice USA, Inc.  
275 Centennial Avenue  
Piscataway, New Jersey 08854  
[brian.quinn@AlticeUSA.com](mailto:brian.quinn@AlticeUSA.com)

Meliha Arnautovic, DAG  
NJ Department of Law & Public Safety  
Division of Law  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street  
Post Office Box 112  
Trenton, NJ 08625  
[meliha.arnautovic@law.njoag.gov](mailto:meliha.arnautovic@law.njoag.gov)

**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

Sherri L. Golden, Board Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Office of Cable Television and Telecommunications

Lawanda R. Gilbert, Esq., Director  
[lawanda.gilbert@bpu.nj.gov](mailto:lawanda.gilbert@bpu.nj.gov)

Nancy J. Wolf, Administrative Analyst 4  
[nancy.wolf@bpu.nj.gov](mailto:nancy.wolf@bpu.nj.gov)

Stephanie Katz, Administrative Analyst 1  
[stephanie.katz@bpu.nj.gov](mailto:stephanie.katz@bpu.nj.gov)

Counsel's Office

Colin Emerle, Deputy General Counsel  
[colin.emerle@bpu.nj.gov](mailto:colin.emerle@bpu.nj.gov)

Kit Burnette, Regulatory Officer  
[kit.burnette@bpu.nj.gov](mailto:kit.burnette@bpu.nj.gov)