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**Via Electronic Mail Only**

March 3, 2025

Ms. Sherri Lewis, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
P.O. Box 350  
Trenton, New Jersey 08625-0350

**Re: In the Matter of the Application For Renewal of a System-Wide  
Franchise for CSC TKR, LLC  
BPU Docket No. CE25020029**

Dear Board Secretary:

The New Jersey Division of Rate Counsel (“Rate Counsel”) files the comments below on CSC TKR, LLC’s (“Altice”) application for a system-wide cable television franchise (“SWF Renewal Application”) for the New Jersey Board of Public Utilities’ (“Board”) consideration. The filing is provided electronically only. Kindly acknowledge electronic filing for Rate Counsel’s records.

On July 22, 2024, Altice filed Initial Comments supporting its Application.<sup>1</sup> On September 25, 2024, the Board issued its Ascertainment Report.<sup>2</sup> On January 31, 2025, pursuant to *N.J.A.C. 14:18-14.12*, Altice filed its system-wide franchise Renewal Application with the Board’s Office of Cable Television & Telecommunications (“OCTV&T”) requesting renewal of

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<sup>1</sup> Initial Comments of CSC TKR, LLC In Support of the Renewal of its System-Wide Franchise, *I/M/O The Application of CSC TKR, LLC for the Renewal of its System-Wide Cable Television Franchise*, BPU Docket No. CE16090920 (July 22, 2024) (“Initial Comments”).

<sup>2</sup> Franchise Renewal Ascertainment Report, *I/M/O The Application of CSC TKR, LLC for the Renewal of its System-Wide Cable Television Franchise*, BPU Docket No. CE16090920 (Sep. 25, 2024) (“Ascertainment Report”).

its system-wide franchise allowing the company to continue providing cable service to 36 municipalities.<sup>3</sup> Altice sought to add seven municipalities to its franchise area.<sup>4</sup>

This application is notable for the type of network Altice seeks to deploy, an all-Fiber-to-the-Home network (“FTTH”). Altice asserts that FTTH uses the same technologies and general network design as its existing Optimum Fiber network, but offers improved network reliability and resiliency compared with existing hybrid fiber-coaxial (“HFC”) networks.<sup>5</sup> Altice further asserts that increased reliability will reduce or eliminate the use of power supplies to energize necessary amplifiers, nodes, and other facilities.<sup>6</sup>

### **Ascertainment Report and Municipal Engagement**

The Ascertainment Report, issued by the OCTV&V, reviewed Altice’s past performance and assessed future needs and interests of covered municipalities.<sup>7</sup> It was issued prior to receipt of Altice’s Renewal Application and is a public document. Importantly, in the Ascertainment Report, the OCTV&V’s analysis of whether Altice has complied with the State Cable Act on matters such as public, educational, and governmental channels and providing free basic cable and internet service to public schools, libraries, and municipal buildings, relies heavily on customer and municipal complaints.<sup>8</sup> This is unfair to customers and municipalities because there could be any number of reasons a customer or municipality decides not to file or follow up on a complaint. Altice has a statutory duty to meet these provisions, and it is not incumbent on the municipalities to enforce that duty. Failure to file a complaint does not have any bearing on

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<sup>3</sup> Application for a System-wide Cable Television Franchise, *I/M/O The Application of CSC TKR, LLC for the Renewal of its System-Wide Cable Television Franchise*, BPU Docket No. CE16090920 (Jan. 31, 2025) (“Renewal Application”).

<sup>4</sup> The seven municipalities are: Carteret Boro, Clark Township, City of Linden, City of Perth Amboy, City of Rahway, Roselle Boro, and Woodbridge Township. *See* Renewal Application at p. 3.

<sup>5</sup> *Id.* at p. 1.

<sup>6</sup> *Id.*

<sup>7</sup> *N.J.A.C.* § 14:18-14.17

<sup>8</sup> *See* Ascertainment Report at p. 9.

whether Altice is complying with the law, and in fact it continues to incorrectly place the burden on customers and municipalities.

Unfortunately, the Ascertainment Report is also difficult to obtain. The public has no way of knowing that the Ascertainment Report relies on their input, and might file more complaints if it did. The Ascertainment Report is available on the Board Docket Search webpage, but it is not listed under documents for this docket and is instead included in the docket for Altice's Initial System-Wide Franchise Application, which is seven years old. It is not reasonable to assume that an average customer would know to look under that docket, or, if they did, that they would know which docket number to use. Cable customers rely on the Board and the FCC to protect their interests, and the Ascertainment Report is required to be public.<sup>9</sup> While this Ascertainment Report is public, it is barely so. It is not fair or reasonable to both make the Ascertainment Report difficult to obtain and to state in the Report that a lack of complaints is a key part of the Board's decision that Altice's policies are sufficient.

### **Affordability**

FTTH networks extend fiber to residential homes, whereas HFC networks like the one Altice currently utilizes extend fiber only to a node in each neighborhood, after which signals are sent the last mile into homes via radio waves. To the extent transitioning to an FTTH or FTTX network would increase customer bills, Altice and the Board should keep affordability in mind. If this transition results in increased bills, Altice should take care not to limit subscribers based on income level, particularly as the cost of living continues to climb and access to assistance becomes questionable.

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<sup>9</sup> *N.J.A.C.* 14:18-14.17.

### Statutory Commitments

The Board's review of Altice's application is confined to the requirements of *N.J.S.A.* 48:5A-17 and -28. Under *N.J.S.A.* 48:5A-17, Altice is required to demonstrate that it is willing to conform with the rules and obligations applicable to cable operators under state and federal law.<sup>10</sup>

### Line Extension Policies

Pursuant to the State Act, Altice must provide in each municipality served a Line Extension Policy ("LEP") that meets or exceeds the LEP offered by the incumbent in each municipality served, detailing the dollar amount to be shared between a cable operator and a potential customer for construction along public right-of-way outside of the area where the company has agreed to provide service at no cost beyond installation charges.<sup>11</sup> In the Initial comments, Altice states that, by virtue of converting its local franchises to the system-wide franchise, it is in compliance with line extension requirements.<sup>12</sup> The Application verifies that the company constructed the system subject to the minimal line extension obligations.<sup>13</sup> It is unclear, based on the Initial Comments, Application, and Appendix V to the Application, if the seven municipalities Altice seeks to add to its franchise are in compliance with same.<sup>14</sup> The Ascertainment Report asserts that the LEP is consistent with its requirements, states that the

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<sup>10</sup> *In the Matter of the Application of Verizon New Jersey, Inc. for Renewal of a System-wide Cable Television Franchise*, BPU Docket No. CE13080756, at 4 (Jan. 30, 2014) ("N.J.S.A. 48:5A-17 permits the Board to issue a system-wide 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 service.")

<sup>11</sup> *N.J.S.A.* 48:5A-28(h)(1).

<sup>12</sup> Initial Comments at p. 8.

<sup>13</sup> Renewal Application at p. 19; Appendix V.

<sup>14</sup> Appendix V to the Renewal Application does not include the 7 new municipalities. See Appendix V at p. 2.

Board did not receive any customer complaints regarding same, and concludes that the LEP is sufficient.<sup>15</sup>

### PEG Channels and Public Facilities

Altice is required to provide Public, Educational and Governmental (“PEG”) access channels; equipment and training for access users and free basic cable and internet service to public schools, libraries and municipal buildings; and return feeds.<sup>16</sup> In its application, Altice says that it provides capacity for up to two channels for non-PEG programs; maintains a studio in Newark where training will be made available pursuant to the State Cable Act; that, upon written request of a municipality, it will install and maintain a service outlet activated for basic cable and internet; and that, where requested, it has fulfilled its obligations to provide return feeds.<sup>17</sup> The Board’s Ascertainment Report notes that Board regulations permit municipalities that cannot reach agreement with Altice on these requirements to file complaints with OCTV&T, and states that it has received no such complaints regarding unmet obligations under these provisions.<sup>18</sup> The Report concludes that, “[t]herefore, the OCTV&T finds that CSC, TKR, LLC is in compliance with its system-wide cable television franchise.”<sup>19</sup>

### Public Hearings

On February 27, 2025, the Board held two public hearings in this case. The public hearings were advertised in The Star Ledger more than ten days before the hearings, as required pursuant to *N.J.S.A.* 48:5A-18(a) and *N.J.A.C.* 14:18-14.18. The public hearings were held remotely and hosted via Zoom video conferencing and through telephone conference.

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<sup>15</sup> Ascertainment Report at pp. 7-8.

<sup>16</sup> *N.J.S.A.* 48:5A-28.

<sup>17</sup> Renewal Application at pp. 10-11.

<sup>18</sup> Ascertainment Report at p. 9.

<sup>19</sup> *Id.* at pp. 8-9.

### Conclusion

Based on the review of the Board's Ascertainment Report, Altice's Initial Comments, and Altice's SWF Renewal Application, Rate Counsel believes that Altice has substantially met the provision of service requirements delineated under the State Cable Act and under the applicable sections of the Board's regulations. Accordingly, Rate Counsel, in reliance of the information filed by Altice in its System Wide Franchise Renewal Application and Initial Comments and the Board's Ascertainment Report, does not object to approval of Altice's System-Wide Franchise.

Thank you for your attention to this matter.

Respectfully submitted,

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*/s/ Emily Lam*

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