



Agenda Date: 2/19/14
Agenda Item: IIIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF TIME)	RENEWAL CERTIFICATE OF
WARNER CABLE NEW YORK CITY, LLC, D/B/A)	APPROVAL
TIME WARNER CABLE, FOR A RENEWAL)	
CERTIFICATE OF APPROVAL TO CONTINUE TO)	
CONSTRUCT, OPERATE AND MAINTAIN A)	
CABLE TELEVISION SYSTEM IN AND FOR THE)	
BOROUGH OF LITTLE FERRY, COUNTY OF)	
BERGEN, STATE OF NEW JERSEY)	DOCKET NO. CE13100987

Parties of Record:

Dennis C. Linken, Esq., Scarinci & Hollenbeck, for the Petitioner
Barbara Maldonado, Clerk, Borough of Little Ferry, New Jersey

BY THE BOARD:

On September 22, 1978, the Board of Public Utilities ("Board") granted Vision Cable Television Company ("Vision") a Certificate of Approval in Docket No. 784C-6363 for the construction, operation and maintenance of a cable television system in the Borough of Little Ferry ("Borough"). On October 26, 1988, the Board granted Vision a Renewal Certificate of Approval for the Borough in Docket No. CE88070842. Through a series of transfers with required Board approvals, the holder of the Certificate was TWFanch-One, Co. d/b/a Time Warner Cable ("TWFanch-One"). On December 11, 2006, the Board granted TWFanch-One a Renewal Certificate of Approval for the Borough in Docket No. CE04040314. Due to a series of additional transfers with required Board approval, the current holder of the Certificate is Time Warner Cable New York City, LLC d/b/a/ Time Warner Cable ("Petitioner"). Although the Petitioner's Certificate of Approval expired on September 22, 2013, the Petitioner is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on January 23, 2013, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. On June 11, 2013, the Borough adopted a municipal ordinance granting renewal consent to the Petitioner. On September 25, 2013, the Petitioner formally accepted the terms and conditions of the ordinance. On October 24, 2013, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough.

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

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications 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 ten years. The Board finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service and promptly file any revisions thereto.
6. Pursuant to statutory requirements, the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current local office is located at 200 Roosevelt Place, Palisades Park, New Jersey.
8. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3(x), derived from cable television charges or fees paid by subscribers for its cable television service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall proffer service along any public right-of-way to any person's residence or business in the Borough at no cost beyond charges for standard and non-standard installation on file with the Office of Cable Television. For any future construction within the Borough, the Petitioner shall use the line extension policy attached to this Certificate as Appendix "I" with a homes per mile figure of 25.

10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with the application for cable television franchise. Specifically, the Petitioner maintains one PEG access channel. Public access is administered by the Petitioner, and programming may be produced at the Petitioner's studio located in the Borough of Palisades Park or may be produced elsewhere for cablecast on the PEG access channel. The PEG access channel is shared with other municipalities in the Petitioner's system.

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 et seq.; 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 or federal law as preconditions for engaging in the proposed cable television operations; that the Petitioner 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 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 of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate 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. The Petitioner shall adhere to the 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 of 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 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 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 enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on September 22, 2023.


This Order shall be effective on March 3, 2014.

DATED: 2/19/14

BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT

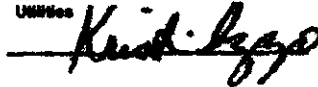

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARYANNA HOLDEN
COMMISSIONER

ATTEST: 
KRISTI IZZO
SECRETARY

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"

LINE EXTENSION POLICY

TIME WARNER ENTERTAINMENT COMPANY, L.P., D/B/A TIME WARNER CABLE BOROUGH OF LITTLE FERRY

Time Warner Cable (a/k/a "TWC") shall be required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system, as detailed hereinbelow. Actual subscribers served by the extension are required to absorb the remainder of the cost, as also detailed hereinbelow.

If new subscribers are added (within two years) to the area served by an extension, the cost shall be adjusted (by recomputing step 5 below) and those who previously paid a portion of the cost of the extension shall receive an appropriate rebate (provided, however, that no such rebate shall exceed the subscriber's contribution).

The following will be utilized to determine the respective costs to be borne by TWC and potential subscribers in connection with a proposed extension of plant:

A. If the average density of homes per mile ("HPM") (measured within 150 feet of the existing public right-of-way, if the area is to be served aurally, or 100 feet if the area is to be served underground) to be passed by the proposed extension is 25 or more, TWC will build the extension at its full cost.

B. If the average density HPM is less than 25, the cost of the extension will be shared in accordance with the following formula:

- | | | |
|--|---|---|
| 1. <u># of homes in extension</u>
mileage of extension | = | homes per mile (HPM) of
extension |
| 2. <u>HPM of extension</u>
Minimum HPM that
company actually
constructs in the
system (i.e., 25) | = | ratio of the density of
the extension to the
minimum density which the
company constructs in the
system ("A") |
| 3. Total cost of building
the extension times "A" | = | TWC's share of
extension cost |
| 4. Total cost of building
extension less TWC's
share of extension cost | = | total amount to be
recovered from
subscribers |
| 5. Total amount to be
<u>recovered from subs</u>
Total subscribers in extension | = | each subscriber's share |

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D/B/A TIME WARNER CABLE, FOR A RENEWAL CERTIFICATE OF APPROVAL
TO CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION
SYSTEM IN AND FOR THE BOROUGH OF LITTLE FERRY, COUNTY OF BERGEN,
STATE OF NEW JERSEY
DOCKET NO. CE13100987

SERVICE LIST

Dennis C. Linken, Esq.
Scarinci & Hollenbeck, LLC
1100 Valley Brook Avenue
Post Office Box 790
Lyndhurst, NJ 07071-0790

Barbara Maldonado
Borough Clerk
Borough of Little Ferry
215-217 Liberty Street
Little Ferry, NJ 07643

David Whalen
Director, Government Relations
Time Warner Cable
120 Plaza Drive, Suite B
Vestal, NY 13850

Geoffrey R. Gersten
Deputy Attorney General
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

Lawanda R. Gilbert, Esq., Acting Director
Board of Public Utilities
Office of Cable Television
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350

Karen A. Marlowe
Administrative Analyst I
Board of Public Utilities
Office of Cable Television
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350