



Agenda Date: 6/18/2010

Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu

CABLE TELEVISION

IN THE MATTER OF CABLEVISION OF OAKLAND, LLC)
FOR THE CONVERSION TO A SYSTEM-WIDE)
FRANCHISE IN THE CITY OF GARFIELD, TOWNSHIP)
OF NUTLEY, VILLAGE OF RIDGEWOOD, BOROUGH)
OF RIVER EDGE, TOWNSHIP OF ROCHELLE PARK,)
BOROUGH OF TOTOWA, BOROUGH OF WALDWICK)
AND BOROUGH OF WESTWOOD)

SECOND ORDER OF
AMENDMENT

DOCKET NO. CE09030231

Adam Falk, Vice President, Government and Public Affairs, Cablevision Systems Corporation,
Bethpage, New York, for Cablevision of Oakland

City Clerk, City of Garfield, New Jersey, by Andrew Pavlica;
Township Clerk, Township of Nutley, New Jersey, by Evelyn Rosario;
Village Clerk, Village of Ridgewood, New Jersey, by Heather Mailander;
Borough Clerk, Borough of River Edge, New Jersey, by Denise Dondiego;
Township Clerk, Township of Rochelle Park, New Jersey, by Virginia De Maria;
Borough Clerk, Borough of Totowa, New Jersey, by Joseph Wassel;
Borough Clerk, Borough of Waldwick, New Jersey, by Paula Jaegge; and
Borough Clerk, Borough of Westwood, New Jersey, by Karen Hughes, for the municipalities.

BY THE BOARD:

On July 1, 2009, the Board issued an order memorializing the conversion by Cablevision of
Oakland, LLC ("Cablevision of Oakland") of its municipal consent-based franchise in the
Township of Cedar Grove to a System-wide Franchise in the above referenced docket number
for a term of seven years to expire on March 20, 2016. On March 17, 2010, the Board issued
an Order of Amendment to include the Borough of Bogota and the Borough of Ramsey into the
Cablevision of Oakland System-wide franchise.

Pursuant to N.J.S.A. 48:5A-25.1 and N.J.A.C. 14:18-14.13, a cable television operator with a
municipal consent-based franchise or franchises issued prior to the effective date of the Act may
automatically convert any or all of its municipal franchises upon notice to the Board and to the
affected municipality or municipalities. In addition, pursuant to N.J.A.C. 14:18-14.14, a cable
television company operating under a system-wide franchise may add municipalities to its

system-wide franchise upon notice to the affected municipality or municipalities and the Board. On May 10, 2010, Cablevision of Oakland filed notice with the City of Garfield, the Township of Nutley, the Village of Ridgewood, the Borough of River Edge, the Township of Rochellè Park, the Borough of Totowa, the Borough of Waldwick and the Borough of Westwood (collectively, "the municipalities") that it would convert its municipal consent ordinance-based franchises in the municipalities, thereby making them part of its Cablevision of Oakland System-wide franchise; and confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28 (h)-(n), as required by the System-wide Cable Television Franchise Act. That notice was received by the Board on May 11, 2010.

DISCUSSION

Under N.J.S.A. 48:5A-25.1, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of P.L.2006 c. 83 may automatically convert any or all of its municipal franchises upon notice to the Board and to the affected municipality without meeting the requirements applicable to cable television operators applying for a system-wide franchise, except that the commitment requirements under N.J.S.A. 48:5A-28 (h)-(n) shall be applicable to all system-wide franchises, including conversions. N.J.S.A. 48:5A-28(h)-(n) impose requirements on all cable television companies operating under a system-wide franchise and includes commitments as to line extensions; public, educational and governmental ("PEG") access channels; interconnection with other cable television companies; free cable and Internet service to public schools and municipal buildings; training and equipment for access users; PEG access return feeds; and compliance with customer protection regulations. As noted above, Cablevision has committed to provide service to the municipalities as required by these provisions.

DISPOSITION OF CERTIFICATE OF APPROVAL AND UNDERLYING MUNICIPAL CONSENT

As discussed above, the Act allows a cable television company, operating under a municipal consent ordinance-based franchise, to "automatically convert" its system in any or all of its municipalities without approval from the Board or the impacted municipalities. N.J.S.A. 48:5A-25.1(a). Furthermore, N.J.S.A. 48:5A-19 provides that a "certificate of approval issued by the board shall be valid for 15 years from the date of issuance... or until the expiration, revocation, termination or renegotiation of any municipal consent upon which it is based, whichever is sooner."

Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance in the City of Garfield expired on October 13, 2007; in the Township of Nutley expired on January 4, 2010; in the Borough of River Edge expired on January 19, 2008; in the Borough of Totowa expired on February 17, 2007; and in the Borough of Westwood expired on March 2, 2008. Cablevision of Oakland initiated renewal proceedings with these municipalities and was thereby authorized to continue to provide cable television service to them pursuant to N.J.S.A. 48:5A-25, pending disposition of the proceedings regarding the renewal of its Certificates.

Because Cablevision of Oakland has now converted these municipal consent based-franchises to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board **FINDS** that Cablevision of Oakland's Certificates of Approval for the City of Garfield, the Township of Nutley, the Borough of River Edge, the Borough of Totowa and the Borough of Westwood have expired by operation of law

Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance in the Village of Ridgewood is set to expire on May 16, 2012; in the Township of Rochelle Park on November 9, 2013 and in the Borough of Waldwick on June 10, 2012. Because Cablevision of Oakland has now converted these municipal consent based-franchises to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board **FINDS** that Cablevision of Oakland's Certificates of Approval for the Village of Ridgewood, the Township of Rochelle Park and the Borough of Waldwick are hereby terminated.

Cablevision of Oakland is authorized to provide cable television service to the municipalities, pursuant to its converted System-wide franchise and the requirements of N.J.S.A. 48:5A-28 (h)-(n) and applicable law.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY COMMEMORATES** the addition of the municipalities to Cablevision of Oakland's System-wide Franchise.

This Second Order of Amendment to the System-wide Franchise serves to add the City of Garfield, the Township of Nutley, the Village of Ridgewood, the Borough of River Edge, the Township of Rochelle Park, the Borough of Totowa, the Borough of Waldwick and the Borough of Westwood to Cablevision of Oakland's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that July 1, 2009 Order.

Without limitations to the full requirements set forth in that Order, the Board reminds Cablevision of Oakland that, under the System-wide Franchise, it 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. To the extent possible based upon the technology used in providing service, Cablevision of Oakland 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 the System-wide 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 subject Cablevision of Oakland to penalties, as enumerated in N.J.S.A. 48:5A-51, and/or may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Second Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Oakland's applications, notices, and other writings 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.

DATED: 6/21/10

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER



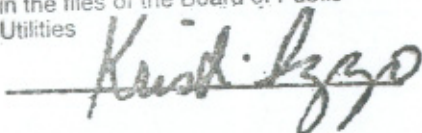
ELIZABETH RANDALL
COMMISSIONER

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



SERVICE LIST

IN THE MATTER OF CABLEVISION OF OAKLAND, LLC
FOR THE CONVERSION TO A SYSTEM-WIDE FRANCHISE IN THE CITY OF GARFIELD,
TOWNSHIP OF NUTLEY, VILLAGE OF RIDGEWOOD, BOROUGH OF RIVER EDGE,
TOWNSHIP OF ROCHELLE PARK, BOROUGH OF TOTOWA, BOROUGH OF WALDWICK
AND BOROUGH OF WESTWOOD
DOCKET NO. CE09030231

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Ridgewood, NJ 07451

Denise Dondiego, Borough Clerk
Borough of River Edge
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Virginia De Maria, Township Clerk
Township of Rochelle Park
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Joseph Wassel, Borough Clerk
Borough of Totowa
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Paula Jaegge, Borough Clerk
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