



Agenda Date: 2/19/14

Agenda Item: IIIK

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 CABLEVISION SYSTEMS)
CORPORATION FOR APPROVAL OF THE FILING OF) ORDER ADOPTING
FCC FORM 1205 DETERMINING REGULATED) STIPULATION OF FINAL RATES
EQUIPMENT AND INSTALLATION COSTS USING THE)
OPTIONAL EXPEDITED RATE PROCEDURES) DOCKET NO. CR13111044

Parties of Record:

Gregory Buscarino, Esq., Vice President, Business Planning & Regulatory Product Management, Cablevision Systems Corporation
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On November 1, 2013, Cablevision Systems Corporation ("Petitioner") filed Federal Communications Commission ("FCC") Form 1205, which was subsequently assigned Docket Number CR13111044, seeking approval by the Board of Public Utilities ("Board") for rate adjustments for regulated equipment and installation costs affecting all regulated rate districts in the State of New Jersey pursuant to the Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 543 et seq., and provisions of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

In the Matter of an Optional Expedited Rate Procedure for Cable Companies and the Application of the Optional Expedited Procedure to the Cable Companies that File FCC Forms 1205 and/or 1210 and All Future Forms Developed and Approved by the Federal Communications Commission, BPU Docket No. CX95120636, Order dated January 12, 1996, the Board approved the implementation of optional expedited rate procedures for the processing of certain filings made with the Office of Cable Television. The intended purpose of these procedures is to grant final rates as quickly as possible to any cable company that chooses this process. In the spirit of cooperation based on the principles of Alternate Dispute Resolution, the discovery content is limited, thereby reducing the timeframe for settlement.

Petitioner chose to pursue its filing with the Board through the approved procedures. To that end, a pre-transmittal conference was held on December 3, 2013 and attended by representatives of the Petitioner, the Division of Rate Counsel ("Rate Counsel") and Board Staff (collectively, "the Parties"). Petitioner agreed to waive its Office of Administrative Law ("OAL") litigation rights for this matter. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the FCC rules nor did it affect Petitioner's right to appeal in that forum.

Petitioner notified its customers of the proposed rate adjustments by way of newspaper announcements informing them of their opportunity to submit written comments to the Board for a period of thirty days. The notices appeared in the Asbury Park Press, the Courier News, the Daily Record, The Record and the Home News Tribune on November 21, 2013. No comments or resolutions were received as a result of these public notices.

After review by Staff and Rate Counsel of the supporting documentation, schedules and other discovery requests, a settlement conference was held on December 11, 2013. On January 7, 2014, the Parties entered into a Stipulation of Final Rates.

The Board has reviewed the Stipulation of Final Rates and **FINDS** it to be reasonable, in the public interest and in accordance with the law. Therefore, the Board **HEREBY ADOPTS** the Stipulation of Final Rates (attached hereto) as its own, incorporating by reference the terms and conditions therein as if fully set forth at length herein.

The Board **FURTHER ORDERS** that subject to the ongoing review before the FCC, should any of these cable systems, or any part thereof, merge or migrate to another system, be upgraded or rebuilt, or its ownership or control be otherwise sold or transferred to another entity, then the basic service tier rate that will be eliminated or superseded as a result of the merger, migration, upgrade, rebuild, sale or transfer must be "trued up" [47 C.F.R. § 76.922 (e) (3)]. The final true up for the affected systems, or any parts thereof, should be calculated on FCC Form 1240 and begin where the last true up period ended on its prior FCC Form 1240. This true up calculation should be filed with the Board when all the affected subscribers are being charged the rate resulting from the merger, migration, upgrade, rebuild, sale or transfer and may be filed in conjunction with the annual rate adjustment cycle (Form 1240) established as a result of said merger, migration, upgrade, rebuild, sale or transfer.


The cable systems, or any part thereof, may be subsequently deregulated as a result of a finding by the Board, the FCC or other party of competent jurisdiction that these systems or any portion thereof, are subject to effective competition. Should that occur, the last basic service rate established as a result of a prior FCC Form 1240, or such subsequent rate calculation method as may be heretofore adopted by the Board, the FCC or any other party of competent jurisdiction, prior to the deregulation of any rate that is now or may in the future be subject to the Board's jurisdiction, must be trued up for the period of time that the affected rates were subject to regulation by the Board.

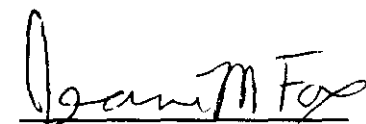
The above referenced true up procedure does not exclude any cable system party to this Order.

This Order shall be effective on March 3, 2014.

DATED: 2/19/14

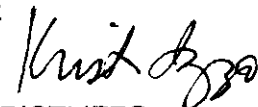
BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT

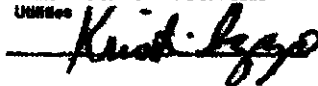

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA 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



IN THE MATTER OF CABLEVISION SYSTEMS CORPORATION FOR APPROVAL OF THE
FILING OF FCC FORM 1205 DETERMINING REGULATED EQUIPMENT AND
INSTALLATION COSTS USING THE OPTIONAL EXPEDITED RATE PROCEDURES

DOCKET NO. CR13111044

Gregory Buscarino, Esq.
Vice President, Business Planning &
Regulatory Produce Management
Cablevision Systems Corporation
1111 Steward Avenue
Bethpage, NY 11714-3581
GBUSCARI@cablevision.com

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

Andrea Crane, Vice President
The Columbia Group, Inc.
Post Office Box 810
Georgetown, CT 06829
ctcolumbia@aol.com

Gloria Furlong
Supervising Administrative Analyst
Office of Cable Television
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
Gloria.Furlong@bpu.state.nj.us

Stefanie A. Brand, Esq., Director
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.state.nj.us

Richard Stephan
Administrative Analyst 2, Accounting
Office of Cable Television
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
Rich.Stephan@bpu.state.nj.us

Maria Novas-Ruiz, Esq.
Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625-0003
Mnovas-ruiz@rpa.state.nj.us

Geoffrey R. Gersten, Esq.
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Geoffrey.Gersten@lps.state.nj.us

IN THE MATTER OF CABLEVISION)
SYSTEMS CORPORATION'S FILING)
OF FCC FORM 1205 FOR AN ANNUAL)
RATE ADJUSTMENT FOR REGULATED)
INSTALLATION AND EQUIPMENT)
COSTS USING THE OPTIONAL)
EXPEDITED RATE PROCEDURES)

CABLE TELEVISION

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

BPU DOCKET NUMBER CR13111044

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the Federal Communications Commission ("FCC") Form 1205 and timely filed public comments in this matter hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and,

As part of the Optional Expedited Rate Procedures (Approved by the Board on January 12, 1996, Docket No. CX95120636), Cablevision Systems Corporation ("Petitioner") agreed to waive their litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and the waiver did not constitute a circumvention of the FCC rules nor did it affect the Petitioner's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. §543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public, educational and governmental channels) and associated equipment and installation; and (ii) cable programming services ("CPS") (consisting of other tiers of channels) and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority," and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the relevant franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. §76.922 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. §76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on November 1, 2013, Petitioner, serving Berkeley Township, Bloomingdale, Boonton Township, Butler, The Hills @ Bedminster, Hopatcong, Lincoln Park, Metuchen, Mt. Arlington, Netcong, Pequannock, Pompton Lakes, Ringwood, Tenafly, Toms River and Wanaque, filed an aggregate Form 1205, Docket Number CR13111044, with the Board, seeking approval of regulated installation and equipment rate adjustments for its regulated New Jersey systems for the rate cycle of February 1, 2014 to January 31, 2015; and

WHEREAS, the Board Staff ("Staff") and the Division of Rate Counsel ("Rate Counsel"), upon review of the FCC Form 1205 filed in this matter, supporting documentation and schedules thereto, agree that the Settlement rates as set forth in Schedule A are just and reasonable; and

WHEREAS, the Staff, Rate Counsel and Petitioner have engaged in discussions of this matter; and

WHEREAS, the Staff, Rate Counsel and Petitioner have concluded that the Petitioner is entitled to the agreed upon Settlement rates as listed on the attached Schedule A which it seeks in its aggregate FCC 1205 filing in this matter;

NOW, THEREFORE, Staff, Rate Counsel and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner notified its customers of the proposed rate changes via newspaper announcements and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
2. The effective date for the equipment and installation service rates reflected on Schedule A, under Docket Number CR13111044, is February 1, 2014.
3. The rate cycle established under Docket Number CR13111044 is February 1, 2014 to January 31, 2015. However, during this period, if Petitioner chooses to decrease these rates, with proper notice to its subscribers and the Board, this decrease will not affect the established rate cycle.
4. These stipulated rates shall be subject to the approval of the Board and all revenues collected as a result of these rates shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds these rates to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Settlement resolves all issues raised by the filing which is the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by specific items, by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

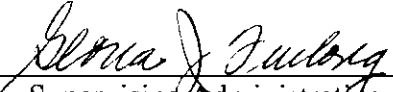
This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures

in the event that any modification is made to the terms of this Stipulation. That is, the signatory party must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.


**GLORIA J. FURLONG
OFFICE OF CABLE TELEVISION**

DATED: 1/7/14

By: 
Supervising Administrative Analyst

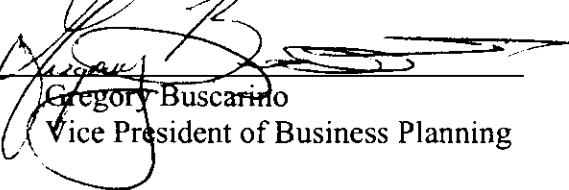
**DIVISION OF RATE COUNCIL
STEFANIE BRAND, ESQ., DIRECTOR**

DATED: 1/7/2014

By: 
Maria Novas-Ruiz, Esq.
Assistant Deputy Rate Counsel

CABLEVISION SYSTEMS CORPORATION

DATED: 12/23/13

By: 
Gregory Buscarino
Vice President of Business Planning

SCHEDULE A

CABLEVISION SYSTEMS CORPORATION
1205 PROPOSED RATES

EQUIPMENT AND INSTALLATION CHARGES/MONTHLY LEASE RATE	PRIOR BD APPROVED RATES EFF.	SETTLEMENT RATES EFFECTIVE	DIFF	%
	2/1/2013	2/1/2014		
<u>INSTALLATION CHARGES</u>				
New Connect (incl. VCR & A/B Switch at time of install)	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Reconnect (incl. VCR & A/B Switch at time of install)	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Non Standard Connect (150 feet or more)	HSC + Materials	HSC + Materials		
<u>CHANGE OF SERVICE CHARGES</u>				
Additional Outlet at Time of Install	\$14.95	\$14.95		
Less: BPU credit \$3.25	\$11.70	\$11.70	\$0.00	0.0%
Additional Outlet Separate Trip	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Upgrade, Lateral Change, Video Game, Parental Lock, VCR & A/B Switch Install - Separate Trip	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Downgrade of Service*	\$39.95	\$39.95		
Less: BPU credit \$16.5	\$23.45	\$23.45	\$0.00	0.0%
Relocate	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Service Call	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Hourly Service Fee	\$39.95	\$39.95		
Less: BPU credit \$3.25	\$36.70	\$36.70	\$0.00	0.0%
Restore Service Fee	\$1.99	\$1.99	\$0.00	0.0%
Disconnect	No Charge	No Charge		
<u>EQUIPMENT FEES</u>				
IO Digital Cable Box or IO DVR Box	\$6.71	\$6.71	\$0.00	0.0%
IO HD Digital Cable Box or IO DVR HD Box (High Definition TV required)	\$6.71	\$6.71	\$0.00	0.0%
Remote Control	\$0.24	\$0.24	\$0.00	0.0%
Cable Card (Customers with digital TV)	\$2.00	\$2.00	\$0.00	0.0%
Basic Only/Basic Only with IO Navigation	No Charge	No Charge		

*Downgrades are offered at no charge unless a cable box pick up is required.