



Agenda Date: 8/16/23
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE VERIFIED PETITION OF) RENEWAL CERTIFICATE OF
CABLEVISION OF OAKLAND¹ FOR RENEWAL OF A) APPROVAL
CERTIFICATE OF APPROVAL TO CONTINUE TO)
OPERATE AND MAINTAIN A CABLE SYSTEM IN)
THE TOWNSHIP OF MONTVILLE, COUNTY OF)
MORRIS, STATE OF NEW JERSEY) DOCKET NO. CE19070782

Parties of Record:

Vaughn Parchment, Esq., Norris McLaughlin, P.A., on behalf of Cablevision of Oakland, LLC
Stacy Sullivan-Gruca, Clerk, Township of Montville, New Jersey

BY THE BOARD:

On November 21, 1979, the New Jersey Board of Public Utilities (“Board”) granted Micro-Cable Communications Corporation (“Micro-Cable”) a Certificate of Approval (“Certificate”), in Docket No. 799C-6544, for the construction, operation and maintenance of a cable television system for certain areas in the Township of Montville (“Township”). Through a series of transfers with required Board approvals, TCI of Northern New Jersey, Inc. (“TCI”) became the holder of the Certificate. On September 8, 1995, the Board granted a Renewal Certificate of Approval (“Renewal Certificate”) to TCI in Docket No. CE97050348. Through a series of subsequent transfers with the required Board approvals, the current holder of the Certificate is Cablevision of Oakland, LLC (“Petitioner”). On June 8, 2005, the Board granted a Renewal Certificate in Docket No. CE05030201. On December 18, 2008, the Board issued a Renewal Certificate to the Petitioner for the Township in Docket No. CE08090701. Although, by its terms, the Petitioner’s above referenced Renewal Certificate for the Township expired on December 18, 2018, 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 April 18, 2018, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On February 14, 2019, the Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner (“Ordinance”). The Petitioner formally accepted the terms and conditions

¹ The Petition erroneously captioned the company as Cablevision of Oakland, but it is clarified that the Petitioner is Cablevision of Oakland, LLC.

of the Ordinance on May 3, 2019. On July 1, 2019, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township. On March 31, 2023 the Petitioner filed an amended petition.

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the municipal consent ordinance, the petition for a Renewal Certificate, and the amended petition. 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 10 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 offer cable along any public right-of-way in all residences in the franchised portion of the Township at rates for standard and non-standard installation. Installation to commercial establishments shall be constructed in accordance with the Petitioner's commercial line extension policy attached to the Certificate (Appendix "I").
6. The Petitioner shall maintain informational tariffs for unregulated service rates 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. During the term of this franchise, and any renewal thereof, the Petitioner shall maintain 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 40 Potash Road, Oakland, New Jersey.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues, from all recurring charges in the nature of the 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 the amount not to exceed 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 continue to provide two (2) channels for PEG access usage including one (1) Public access channel and one (1) Governmental access Channel. The Petitioner maintains a public access studio available for access users upon advance request.
11. The Petitioner shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Township.
12. Upon written request from the Township, the Petitioner shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: a) one (1) standard installation per school or library; b) one (1) cable modem per installation; and c) basic cable modem service for the term of the ordinance for each installation. This offer shall be subject to the terms, conditions, and use policies of the Petitioner as those policies may exist from time to time.

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 following portion of the Township:

The portion of Montville Township, County of Morris, State of New Jersey, having generally triangular configuration, bounded on the east by the Township of Lincoln Park, on the northeast by the Township of Kinnelon, on the south by Indian Lane, on the west by Jacksonville Road and Brook Valley Road; and including also properties fronting (existing and future) on the west side of Jacksonville Road for its full length north of Indian Lane, properties fronting (existing and future) on the west side of Brook Valley Road for its full length north of Jacksonville Road, and properties fronting on Tumbling Brook Drive and South Road as they presently exist.

CSC TKR, Inc. d/b/a Cablevision of Morris is authorized to provide service to the entirety of the Township under Docket No. CE19070781, approved by the Board simultaneously with this petition on August 16, 2023.

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.

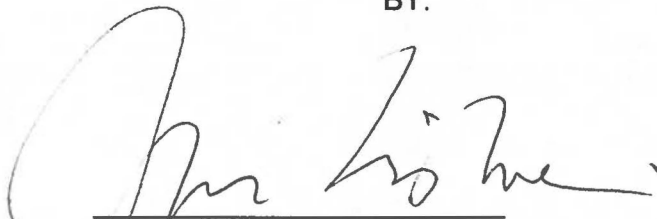
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant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

This Certificate shall expire on August 23, 2033

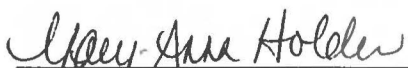
This Order shall be effective on August 23, 2023.

DATED: August 16, 2023

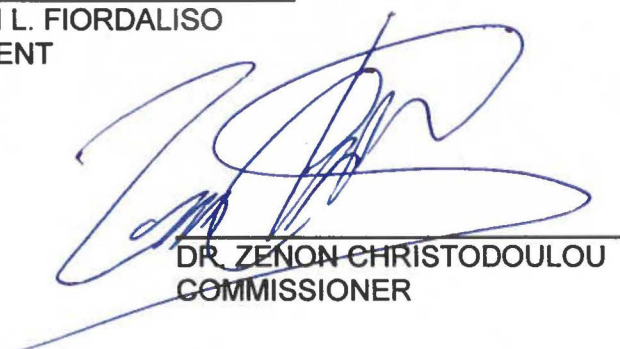
BOARD OF PUBLIC UTILITIES
BY:



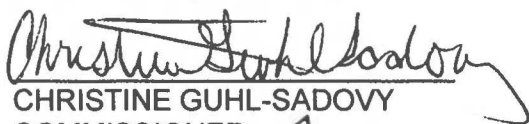
JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



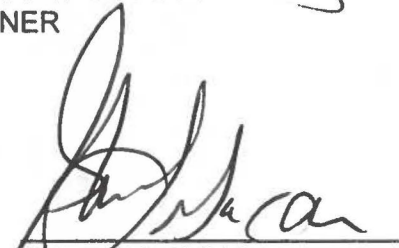
DR. ZENON CHRISTODOULOU
COMMISSIONER



CHRISTINE GUHL-SADOVY
COMMISSIONER



MARIAN ABDOU
COMMISSIONER

ATTEST: 

SHERRI L. GOLDEN
SECRETARY

APPENDIX "I"
Commercial Line Extension Rate Policy

Company: Cablevision of Oakland, LLC
Municipality: Township of Montville, County of Morris

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.

- (a) 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.
- (b) 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.

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

- (a) 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.
- (b) 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.
- (c) 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).
- (d) 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 years after the original service extension was provided. After said two 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 OAKLAND FOR
RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND
MAINTAIN A CABLE TELEVISION SYSTEM IN THE TOWNSHIP OF MONTVILLE, COUNTY
OF MORRIS, STATE OF NEW JERSEY

DOCKET NO. CE19070782

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