



Agenda Date: 6/27/24
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 APPLICATION OF CSC) RENEWAL CERTIFICATE OF
TKR, LLC FOR RENEWAL OF A CERTIFICATE OF) APPROVAL
APPROVAL TO CONTINUE TO OPERATE AND)
MAINTAIN A CABLE SYSTEM IN THE TOWN OF)
NEWTON COUNTY OF SUSSEX, STATE OF NEW)
JERSEY) DOCKET NO. CE20120757

Parties of Record:

Vaughn Parchment, Esq., Norris McLaughlin, P.A., on behalf of CSC TKR, LLC
Teresa Oswin, Clerk, Town of Newton, New Jersey

BY THE BOARD:

On July 2, 1980, the New Jersey Board of Public Utilities (“Board”) granted Service Electric Cable TV of New Jersey, Inc. under the corporate name of Garden State CATV, Inc. (“Garden State”) a Certificate of Approval (“Certificate”) in Docket No. 797C-6503, for the construction, operation and maintenance of a cable television system in the Town of Newton (“Town”). Based on a name change, the holder of the Certificate became Service Electric Cable TV of New Jersey, Inc. (“SECTV”). On April 19, 2000, the Board, issued an Order Adopting Initial Decision-Settlement and Renewal Certificate of Approval (“Renewal Certificate”) to SECTV for the Town in Docket No. CE95090432. On October 20, 2010, the Board issued a Renewal Certificate to SECTV for the Town, in Docket No. CE10040297. On July 2, 2020, the Board approved the transfer of the Renewal Certificate from SECTV to CSC TKR, LLC (“Petitioner”), a wholly-owned subsidiary of Altice USA, Inc., in Docket No. CM20030211. Although, by its terms, the Petitioner’s above referenced Renewal Certificate expired on April 19, 2020, the Petitioner is authorized to continue to provide cable television service to the Town, pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate.

SECTV filed an application for the renewal of its municipal consent with the Town on July 10, 2019, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 through 9. On March 9, 2020, the Town, after public hearing, adopted an ordinance granting renewal municipal consent to SECTV ("Ordinance").¹ Following the transfer of the Renewal Certificate to the Petitioner approved by the Board in July 2020, the Petitioner formally accepted the terms and conditions of the Ordinance on November 5, 2020. On December 21, 2020, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Town ("Petition")²

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the Ordinance, and the Petition for a Renewal Certificate. 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 Town 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 (10) years, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Petitioner shall proffer service to any persons, residents or business along any public right-of-way in the Primary Service Area, at no cost beyond standard and non-standard installation charges, as set forth in the Petitioner's application. The Petitioner shall extend service along any public right of way outside its Primary Service Area to those residences or small businesses within the franchise territory which are located in areas that have a density of twenty-five (25) homes per mile ("HPM"). The Petitioner will utilize the line extension policy attached to the Certificate (Appendix "I"). The HPM figure is twenty-five (25).³
6. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.

¹ On March 13, 2020, SECTV formally accepted the terms and conditions of the Ordinance. On May 11, 2020, SECTV filed with the Board for a renewal of its Certificate of Approval for the Town in Docket No. CE20090614. On March 15, 2023, the Petitioner notified the Board with a formal request to withdraw the petition filed by SECTV in Docket No. CE20090614.

² On October 31, 2023, the Petitioner filed an Amended Petition and Application with the Board.

³ In the July 2, 2020 Board Order approving the transfer of the Renewal Certificate from SECTV to Petitioner in Docket No. CM20030211, the Petitioner agreed to extend its network to requesting residential households or small businesses within the SECTV franchised areas with a density of at least twenty-five (25) homes per mile, with no customer contribution toward the cost of construction in the public right of way and as otherwise consistent with the Office of Cable Television and Telecommunications line extension policy.

7. Pursuant to statutory requirements, the Ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Town. 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 in Sussex County 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 320 Sparta Avenue, Sparta, New Jersey.
9. The franchise fee to be paid to the Town is specified to be two percent (2%) of the Petitioner's gross revenues, from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Town or any additional amount required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be paid to the State in an amount not to exceed two percent (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) educational access channel and one (1) public access channel, which is shared with leased access. The Petitioner maintains a public access studio available for access users upon advance request located at 352 Central Avenue, Newark, New Jersey. The location of the studio and the method of providing such services is subject to change.
11. The Petitioner shall, provide free of charge, expanded basic monthly cable television reception service to the following locations within the Town; three (3) cable connections for the Town Police Department; eight (8) cable connections for the existing Town Fire Department and buildings; twenty-four (24) classroom cable connections for Halstead Middle School; thirty (30) classroom cable connections for Merriam Avenue School; five (5) cable connections for Newton High School; two (2) cable connections for Dennis Library; three (3) cable connections for the Town Hall; four (4) cable connections for the Town Department of Public Works; two (2) cable connections for the Town Water Department; two (2) cable connections for the Town Sewer Department; two (2) cable connections for the Town Fire Museum; and two (2) cable connections for the Town First Aid Squad. All subscribers, including those set forth herein, shall be fully responsible for the cost associated with any installation of service and with each digital box and/or other equipment that the subscriber maintains, which fees are determined by the Petitioner in accordance with the type of digital box(es) and/or other equipment that the subscriber maintains.
12. The Petitioner agrees that public meetings shall be held upon the Town request, up to a maximum of one (1) public meeting per year, to review the services provided by the Petitioner and any concerns raised by the Town and/or its residents. The Petitioner agrees to attend and participate in such public meetings.

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 entirety of the Town.

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.

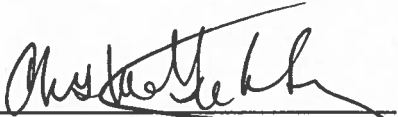
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant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

This Certificate shall expire on April 19, 2030.

This Order shall be effective on July 5, 2024.

DATED: June 27, 2024

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST: 
SHERRI L. GOLDEN
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"
Office of Cable Television and Telecommunications
Line Extension Policy

Company: CSC TKR, LLC
Municipality: Town of Newton, County of Sussex

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension, the cost is adjusted and those who previously paid receive an appropriate rebate.

1. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile ("HPM") of extension}$
2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system*}} = \text{ratio of the density of the extension to the minimum density that the company constructs in the system ("A")}$
3. $\text{Total cost of building the extension times "A"} = \text{company's share of extension cost}$
4. $\text{Total cost of building extension less company's share of extension cost} = \text{total amount to be recovered from subscribers}$
5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's breakeven point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within thirty (30) days of such a request.
2. Begin construction within sixty (60) days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six (6) months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers, and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost, future reconnections or installations shall be made at the company's standard rates.
5. After a period of five (5) years from the installation of the first dwelling unit in the extension, no further adjustments shall be made. Installations after five (5) years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (“PSA”) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

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SYSTEM IN THE TOWN OF NEWTON COUNTY OF SUSSEX, STATE OF NEW JERSEY

DOCKET NO. CE20120757

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