



Agenda Date: 12/18/24

Agenda Item: 3A

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 FOR)
RENEWAL OF A SYSTEM-WIDE CABLE)
TELEVISION FRANCHISE FOR CABLEVISION)
OF PATERSON, LLC) DOCKET NO. CE24080618

Parties of Record:

Vaughn Parchment, Esq., Norris McLaughlin, P.A., on behalf of Cablevision of Paterson, LLC

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On August 20, 2024, Cablevision of Paterson, LLC ("Cablevision of Paterson", "Cablevision" or "Petitioner") filed an application with the New Jersey Board of Public Utilities ("Board") for the renewal of its current system-wide franchise serving one (1) municipality, Paterson, New Jersey ("City"), pursuant to P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "Act"), which modified the existing state Cable Television Act ("CATV Act"), N.J.S.A. 48:5A-1 et seq., to allow for competitive system-wide franchises.

BACKGROUND

On March 18, 2015, the Board issued an order memorializing the conversion by Cablevision of Paterson of its municipal consent-based franchise in the City to a system-wide cable television Franchise, for a term of seven (7) years to expire on January 30, 2022.¹

On February 27, 2019, Cablevision of Paterson notified the Board of its intention to renew its system-wide cable franchise. On January 9, 2024, the Board's Office of Cable Television and Telecommunications ("OCTV&T") held a virtual public hearing to assess the cable related needs and interests of the City and review Cablevision of Paterson's past performance, pursuant to N.J.A.C. 14:18-14.17. No comments were received in connection with the January 9, 2024 virtual public hearing. On February 20, 2024, the Board notified Cablevision of Paterson of its intention to review its performance under its system-wide cable television franchise pursuant to 47 U.S.C.

¹ In re Cablevision of Paterson, LLC for the Conversion to a System-Wide Cable Television Franchise in the City of Paterson, BPU Docket No. CE15010138, Order dated March 18, 2015.

546, N.J.S.A. 48:5A-19(b), and N.J.A.C. 14:18-14.16, and invited Cablevision of Paterson to file comments on its performance under its system-wide cable television franchise and to assess how it will meet the future needs of the City. Cablevision of Paterson filed its Initial Comments with the Board on March 19, 2024. On May 22, 2024, the Board issued a report ("Ascertainment Report") on Cablevision of Paterson's performance under its system-wide cable television franchise and the future system-wide cable television franchise needs of the State and the City under the system-wide cable television franchise.

APPLICATION

On August 20, 2024, Cablevision filed its application for renewal of a system-wide franchise with the Board. Cablevision of Paterson is a wholly owned subsidiary of Altice USA, Inc. ("Altice"), which collectively holds franchises in 179 New Jersey municipalities through its various affiliates.

Copies of the application were provided to the New Jersey Division of Rate Counsel ("Rate Counsel"), as well as to the Clerk of the City. Following its review of Cablevision of Paterson's application, Board Staff ("Staff") issued a request seeking additional follow-up information on November 20, 2024. Cablevision of Paterson filed its responses on November 27, 2024, which addressed Staff's concerns.

Cablevision of Paterson confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28(h) through (n), as required by the System-wide Cable Television Franchise Act. Specifically, N.J.S.A. 48:5A-28 (h) through (n) imposes 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.

N.J.S.A. 48:5A-28(h) requires a cable television system-wide franchise operator to meet or exceed the line extension policy ("LEP") commitments of the cable television company operating under a municipal consent ordinance-based franchise at the time the franchise is granted, which in this instance is Cablevision. Because Cablevision of Paterson is the incumbent, it is required to continue to provide, at a minimum, service to any residence in the City at no cost beyond the installation rates contained in its schedule of prices, rates, terms and conditions filed with the Board as applicable. Businesses will be provided service in accordance with Cablevision of Paterson's commercial line extension policy attached to the order as Appendix "I".

N.J.S.A. 48:5A-28(i) requires a cable television company operating under a system-wide franchise to provide two (2) PEG access channels upon request of a municipality. Cablevision of Paterson has agreed to provide two (2) PEG access channels for the City. Further, upon written request of the City, Cablevision of Paterson will provide the access channels in the same manner and quality as commercial channels and will provide notice of the PEG channel designations as required by applicable statute and rules. Pursuant to this section, the City shall be responsible for the management, operations and programming of the PEG access channels that are under its control. Pursuant to N.J.A.C. 14:18-15.4(b), either Cablevision of Paterson or the municipality may request assistance from the OCTV&T for resolution of any disputes regarding the terms and conditions of the provision of the access channels. N.J.S.A. 48:5A-28(i) also requires all cable television companies operating in a municipality to provide PEG access interconnection on reasonable terms and conditions with all other cable television companies.

N.J.S.A. 48:5A-28(j) and (k) require a cable television operator under a system-wide franchise to provide a single outlet of free basic cable television service and free Internet service to any fire station, public school, police station, public library, or other building used for municipal purposes. Cablevision of Paterson will continue to provide these services to the municipality and has committed to install cable and Internet services to any qualified building within ninety (90) days of written request by the City, free of charge, provided that the location is passed by active cable television plant. Pursuant to N.J.A.C. 14:18-15.5(b), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(l) requires a cable television company operating under a system-wide franchise to provide equipment and training for PEG access users, without charge, on a schedule to be agreed upon between the municipality and the cable television company. Cablevision of Paterson has committed to provide use of video production equipment, without charge, for qualified access users to create access content, and provide training in accordance with a schedule agreed upon by the City and Cablevision of Paterson, but in a number not to exceed four (4) times per year, in conformance with N.J.A.C. 14:18-15.6. Furthermore, pursuant to N.J.A.C. 14:18-15.6(d), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(m) requires a cable television company operating under a system-wide franchise to provide a return line. Cablevision has committed to provide a return line, upon written request, from any one location in the City to Cablevision of Paterson's cable television system for PEG access use, which, at a minimum, will provide the City with the ability to cablecast live or taped access programming in real time to Cablevision of Paterson customers. Furthermore, pursuant to N.J.A.C. 14:18-15.4(c), either party may request assistance from the OCTV&T for resolution of any disputes regarding the provision of these services.

N.J.S.A. 48:5A-28(n) requires Cablevision of Paterson to continue to "meet any consumer protection requirements applicable, pursuant to board regulations, to cable television companies operating under certificates of approval." Cablevision of Paterson has certified in its application that it will meet the requirements of this Section.

Cablevision of Paterson has also committed to maintaining, under its system-wide franchise, the same liability limits required under N.J.S.A. 48:5A-28(f). Cablevision of Paterson will continue to maintain commercial general liability insurance coverage with respect to claims related to bodily injury, property damage or other claims arising out of Cablevision of Paterson's construction and operation of its cable television system in amounts that are at least: 1) \$150,000 for bodily injury or death to any one (1) person, within the limit, however, of \$500,000 for bodily injury or death resulting from any one accident, 2) \$100,000 for property damage resulting from any one accident, and 3) \$50,000 for other commercial general liability claims.

N.J.S.A. 48:5A-30 requires cable television companies operating under a system-wide franchise to pay increased franchise fees from two percent (2%) of basic cable television service revenues to three-and-one-half percent (3.5%) of gross cable television service revenues, as well as an amount not to exceed zero-point-five percent (0.5%) of gross revenues for a CATV Universal Access Fund.

Pursuant to N.J.A.C. 14:18-5.1, all cable television operating companies are required to maintain "in or within reasonable proximity of its service area, a local business office, the current location of which shall be furnished to the Office where applications for service, complaints, service inquiries, bill payments, and so forth will be received." Cablevision of Paterson currently maintains

local offices at 100 Hamilton Plaza, Paterson, New Jersey, and any modification to the location of the office will be subject to the approval process specified at N.J.A.C. 14:18-5.1(c).

Finally, the requirements at N.J.S.A. 48:5A-25.2(a) are not applicable to Cablevision of Paterson, as Cablevision of Paterson does not provide more than forty percent (40%) of the local exchange telephone service market in the State.

PUBLIC HEARINGS

Pursuant to N.J.S.A. 48:5A-16(f), two (2) virtual public hearings were held by the Board in this matter on September 23, 2024. In accordance with N.J.S.A. 48:5A-18(a), notice of the public hearings was posted on the Board's website and in newspapers of general circulation throughout the State more than ten (10) days in advance of the hearings. The notice indicated that written comments could be filed until September 30, 2024, or five (5) days following the public hearings. At the hearings, the public was invited to provide oral and/or written comment on the application, and the hearings were transcribed by a court reporter, with the transcripts included in the record of this matter. At both hearings, Cablevision of Paterson discussed company highlights and the positive benefits the application will have for the City. Rate Counsel noted the importance of public comment and stated that it would provide written comments to the Board regarding the application and the issuance of the System-wide Cable Television Franchise.

On September 30, 2024, Rate Counsel filed a letter with the Board stating that it reviewed the application and supporting documentation and confirmed that it would support approval of the application. Rate Counsel stated that it had reviewed the system-wide franchise application and is satisfied that the Petitioner has satisfied the statutory and regulatory requirements under N.J.S.A. 48:5A-28. No other comments were made at either public hearing or filed electronically thereafter.

DISCUSSION

In determining whether to issue Cablevision of Paterson a renewal of its system-wide cable television franchise in the City, the Board may only consider that which is allowed by the State Cable Act, which provides, at N.J.S.A. 48:5A-16(f), that "[i]n determining whether a system-wide cable television franchise should be issued, the board shall consider only the requirements of sections 17 and 28 of P.L. 1972, c.186 (C. 48:5A-17 and C. 48:5A-28)."

N.J.S.A. 48:5A-17 permits the Board to issue a system-wide cable television franchise following its review of the application, where it finds the applicant has complied or is ready, willing and able to comply with all applicable rules and regulations imposed or pursuant to State or federal law as preconditions for providing cable television service. N.J.S.A. 48:5A-28 sets forth the elements in the application for a system-wide cable television franchise and the required commitments of a system-wide cable television franchise applicant. The Board's review of the application ensures that Cablevision of Paterson's application satisfies the requirements set forth by the Legislature.

CONCLUSION

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to the System-wide Cable Television Franchise Act and the Cable Television Act, Cablevision of Paterson has complied or is ready 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 Cablevision of Paterson 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 is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, Cablevision of Paterson is **HEREBY ISSUED** this renewal system-wide cable television franchise for the City, for a period of seven (7) years, as evidence of Cablevision of Paterson's authority to operate a cable television system within the jurisdiction set forth in its application, subject to the following conditions:

1. All of the commitments, statements and promises contained in the application for renewal of this system-wide cable television franchise and any amendments thereto submitted in writing to the Board, except as modified herein, are hereby adopted and binding upon Cablevision of Paterson as terms and conditions of this renewal system-wide cable television franchise, and included as conditions as if fully set forth herein. The application and any other relevant writings submitted by Cablevision of Paterson shall be considered a part of this system-wide cable television franchise and made part hereof by reference.
2. Cablevision of Paterson shall comply with N.J.S.A. 48:5A-28(h) and shall provide service to any resident in the City at no cost beyond the installation rates contained in its schedule of prices, rates, terms and conditions filed with the Board. Businesses will be provided service in accordance with Cablevision's commercial line extension policy attached to this order as Appendix "I".
3. Under N.J.A.C. 14:18-5.1(a), Cablevision shall maintain a local business office where applications for service, complaints, service inquiries, bill payments, and so forth will be received. Currently, Cablevision of Paterson maintains a local office at 100 Hamilton Plaza, Paterson, New Jersey. Cablevision of Paterson shall maintain its local office in accordance with applicable law.
4. The designated complaint officer for the City in Cablevision of Paterson's system-wide cable television franchise is the OCTV&T. All complaints shall be received and processed in accordance with applicable rules.
5. Cablevision of Paterson shall pay a franchise fee to each municipality served in the amount of three-and-one-half percent (3.5%) of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and 30(d), paid by subscribers in the municipality.
6. Cablevision of Paterson shall pay to the State Treasurer, in accordance with its CATV Universal Access Fund now existing or as will exist in the future, an amount of up to zero-point-five percent (0.5%) of its gross revenues, as defined by N.J.S.A. 48:5A-3(x) and 30(d), paid by subscribers in the City.
7. Cablevision of Paterson shall maintain an informational schedule of prices, rates, terms and conditions for unregulated service and promptly file any revisions thereto.
8. Upon written request of a municipality served by its System-wide Cable Television Franchise, Cablevision of Paterson shall provide or continue to provide and maintain a return line or other method of interconnection from any one location in the municipality, without charge, to a location of interconnection in its cable television system in order to allow live or taped cablecasting of PEG access programming by the municipality. The return line or interconnection shall be provided in accordance with N.J.A.C. 14:18-15.4(c).

9. Upon written request of a municipality served by its system-wide cable television franchise, Cablevision of Paterson shall provide or continue to provide and maintain up to two (2) PEG access channels. If a municipality requests more than two (2) PEG access channels, the municipality shall demonstrate the need for the additional PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)(1). Currently, the Petitioner provides the City with one (1) public access channel, one (1) educational access channel, and one (1) governmental access channel. The City shall assume all responsibility for the management, operations and programming of the PEG access channels in accordance with N.J.A.C. 14:18-15.4(a)(4).
10. Pursuant to N.J.S.A. 48:5A-28(l), Cablevision of Paterson shall continue to provide equipment and training for the City without charge, for use in the development of local programming content that can be shown on PEG access channels. Cablevision currently maintains a studio location at 352 Central Avenue, Newark, New Jersey. The hours of operation are from 9:00am to 5:00pm, Monday through Friday, by appointment, on a first come, first served basis. Cablevision provides training at the access studio upon request. A municipality or its designee wishing to use the studio must have an access user application on file and submit a completed studio time user application. A municipality or its designee wishing to receive training must have an access user application on file and submit a completed access training application.
11. Upon written request of a municipality served by its System-wide Cable Television Franchise, Cablevision of Paterson shall install and maintain, without charge, one service outlet activated for basic cable television service and, as set forth in the application, Internet service, to each fire station, public school, police station, public library and any other such building used for municipal purposes, in accordance with N.J.S.A. 48:5A-28(j) and N.J.A.C. 14:18-15.5.
12. Pursuant to N.J.S.A. 48:5A-28(d) and N.J.A.C. 14:18-14.3, Cablevision of Paterson shall maintain sufficient bond for the faithful performance of all undertakings by the applicant as represented in the application; and shall have sufficient insurance including the Board, for the municipality served and the applicant as insureds, with respect to all liability for any death, personal injury, property damage or other liability arising out of the applicant's construction and operation of its cable television system.
13. Pursuant to N.J.S.A. 48:5A-28(n), Cablevision of Paterson shall continue to comply with any applicable consumer protection requirements.

This renewal of Cablevision of Paterson's system-wide cable television franchise is subject to all applicable State and federal laws, the rules and regulations of the OCTV&T, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. Cablevision of Paterson shall adhere to the applicable 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 Renewal System-wide Cable Television Franchise.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the OCTV&T and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this renewal system-wide cable television franchise.

This renewal system-wide cable television franchise is issued on the representation that the statements contained in Cablevision of Paterson's application 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.

Cablevision of Paterson's renewal system-wide cable television franchise shall expire on January 30, 2029.

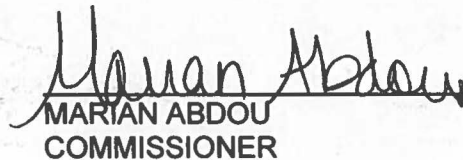
This Order shall be effective on December 26, 2024.

DATED: December 18, 2024

BOARD OF PUBLIC UTILITIES
BY:

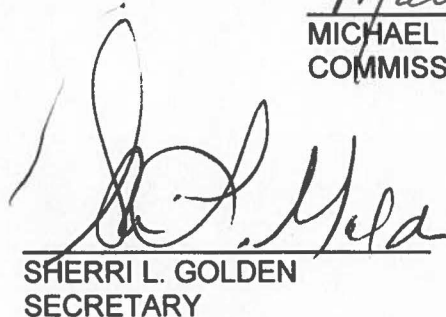

CHRISTINE GUHL-SADOVY
PRESIDENT


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"

CABLEVISION

COMMERCIAL LINE EXTENSION RATE POLICY

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.
- (g) 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.

- (h) 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.
- (c) The actual costs of designs, surveys, prints and engineering or other such labor involved in the preparation or actual construction required.
- (d) 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.
- (e) 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.

- (f) 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).
 - (g) 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 (2) 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 THE APPLICATION FOR RENEWAL OF A SYSTEM-WIDE CABLE TELEVISION
FRANCHISE FOR CABLEVISION OF PATERSON, LLC

DOCKET NO. CE24080618

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