



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/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT PETITION OF CSC)
TKR, LLC AND SERVICE ELECTRIC CABLE T.V. OF) PREHEARING ORDER
NEW JERSEY, INC. FOR THE APPROVAL OF THE)
TRANSFER OF CERTIFICATES ON APPROVAL OF)
SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY)
INC.) DOCKET NO. CM20030211

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
James Eric Andrews, Esq., Schenk Price Smith & King, LLP, CSC, TKR, Inc. (Altice USA, Inc.)

BY COMMISSIONER UPENDRA CHIVUKULA:

BACKGROUND:

On March 5, 2020, pursuant to N.J.S.A. 48:5A-19 and N.J.A.C. 14:7-6.8, CSC TKR, LLC ("CSC TKR"), a wholly-owned subsidiary of Altice USA, Inc. (together, "Altice"), and Service Electric Cable T.V. of New Jersey, Inc. ("Service Electric") (collectively, "Petitioners"), jointly filed a verified petition ("Petition") requesting that the New Jersey Board of Public Utilities ("Board") approve the transfer of 28 certificates of approval and related authorizations and the accompanying cable systems, including all assets set forth in Asset Purchase Agreement from Service Electric to Altice.

Shortly after an initial review of the filing, Staff informed the Petitioner that the filing was incomplete and during calls on March 13 and 19, 2020, advised them that they must supplement the Petition. The filing was devoid of documents including but not limited to requisite proofs and unredacted information; and failed to seek Board approval of the acquisition of control of Service Electric by Altice through the purchase of assets, pursuant to N.J.S.A. 48:5A-38 and 40 and N.J.A.C. 14:17-6.10. On March 18, 2020, Petitioner's counsel filed a letter addendum to the Petition referencing N.J.S.A. 48:5A-38 and 40 and including some of the omitted information. Concurrently, the Petitioner filed the requested disclosure schedules with the Board Secretary that were not provided with the initial filing and were redacted in the previous submission.

In addition, upon review of the Company's submissions, the Notice of the transfer published in the service area reflects that inspection of the petition can be conducted at the company's offices. Since the current circumstances do not permit such inspection, by this Order we seek notice to subscribers by way of bill insert or by republication in at least one newspaper circulated in the Company's service area. Such notice shall provide instructions to the public of their ability to review the petition electronically on the Company's website and to file comments on the petition with the Board at board.secretary@bpu.nj.gov under Docket No. CM20030211 no later than July 1, 2020.

On March 27, 2020 the Board issued an Order designating Commissioner Chivukula as Presiding Officer. Within the Order, the deadline of April 14, 2020 was set for motions to intervene and pro hac vice. No motions to intervene were received.

On April 2, 2020 the Petitioner amended their March 5th filing pursuant to Board Staff's request for information essential for the filing to be complete. Accordingly, the record has been updated.

Pursuant to federal statute and FCC regulations which set forth the prescribed 120-day period for review, the timeline commences upon the filing of a "completed FCC Form 394, together with all exhibits, and any additional information required by the terms of the franchise agreement or applicable state or local law." See 47 U.S.C. § 537; 47 C.F.R. § 76.502(b). Responses to information requests by Board Staff were submitted by the Petitioner. The completed application and accompanying documents collectively were received on or about April 2, 2020. Therefore, the statutory 120-day period for review expires on July 31, 2020.

PREHEARING ORDER

1. NATURE OF PROCEEDINGS AND ISSUES TO BE RESOLVED

Through this proceeding Altice and Service Electric Cable T.V. of New Jersey Inc. seek Board approval of the transfer to Altice of the cable television system assets, accompanying licenses and franchises owned and operated by Service Electric through a purchase of Service Electric's assets and acquisition of the cable television system, pursuant to N.J.S.A. 48:5A-19, 38 and 40 and N.J.A.C. 14:17-6.8 and 6.10.

2. PARTIES AND THEIR DESIGNATED ATTORNEYS OR REPRESENTATIVES:

Counsel/Staff for Altice USA, Inc.

Sidney A. Sayovitz
James Eric Andrews
Schenck Price Smith & King LLP
220 Park Avenue
Florham Park, New Jersey 07932
sas@spsk.com
jea@spsk.com

Paul Jamieson
Robert Hoch
Altice USA
1 Court Square West
Long Island City, NY 11101
Paul.jamieson@AlticeUSA.com
Robert.Hoch@AlticeUSA.com

Marilyn D. Davis, Area Director
Government Affairs
Altice USA
494 Broad Street
Newark, NJ 07102
marilyn.davis16@AlticeUSA.com

Luke C. Platzer
Jenner & Block LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
LPlatzer@jenner.com

David J. Pascrell, Esq.
Gibbons, PC
50 West State Street Suite
1104 Trenton, New Jersey 08608-1220
dpascrell@gibbonslaw.com

Counsel for Service Electric Cable T. V. of New Jersey, Inc.

Michael P. Meliti, Esq.
Guaglardi & Meliti, LLP
365 W. Passaic Street, Suite 130
Rochelle Park, New Jersey 07662
mpmeliti@adgmlaw.com

James E. Dunstan
Mobius Legal Group, PLLC
P.O. Box 6104
Springfield, VA 22150-6104
jdunstan@mobiuslegal.com

Counsel/Consultant for Division of Rate Counsel

Division of Rate Counsel
140 East Front Street, 4th Floor
Post Office Box 003
Trenton, NJ 08625

Stephanie Brand, Director
sbrand@rpa.nj.gov

Maria Novas-Ruiz
mnovas-ruiz@rpa.nj.gov

Susan M. Baldwin
SM Baldwin Consulting
13 Church Hill Street
Watertown, MA 02472
smbaldwinconsulting@gmail.com

Counsel / Staff of the New Jersey Board of Public Utilities

Division of Law

Department of Law & Public Safety
Division of Law, Public Utilities Section
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street, Post Office Box 112
Trenton, New Jersey

Pamela Owen, DAG
Pamela.owen@law.njoag.gov

Counsel to the Staff of the Board of Public Utilities

Brandon Simmons, DAG
Brandon.simmons@law.njoag.gov

Counsel to the Board of Public Utilities

Meliha Arnautovic, DAG
Meliha.Arnautovic@law.njoag.gov

Board of Public Utilities Staff

Board of Public Utilities
Post Office Box 350
Trenton, NJ 08625-0350

Lawanda R. Gilbert, Director
Office of Cable Television and Telecommunications
lawanda.gilbert@bpu.nj.gov

William Furlong, Bureau Chief
Office of Cable Television and Telecommunications
william.furlong@bpu.nj.gov

Board of Public Utilities Staff (cont'd)

Amy Drummond, AA4
Office of Cable Television and Telecommunications
amy.drummond@bpu.nj.gov

Richard Wagenblast, AA4
Office of Cable Television and Telecommunications
richard.wagenblast@bpu.nj.gov

Nancy Wolf, AA4
Office of Cable Television and Telecommunications
nancy.wolf@bpu.nj.gov

Gloria Furlong, Supvg Acct
Office of Cable Television and Telecommunications
gloria.furlong@bpu.nj.gov

Jeffrey Kaufman AA4
Office of Cable Television and Telecommunications
jeffrey.kaufman@bpu.nj.gov

Carol Artale, Esq. Deputy General Counsel
carol.artale@bpu.nj.gov

3. SPECIAL LEGAL REQUIREMENTS AS TO NOTICE OF PETITION:

Pursuant to N.J.A.C. 14:17-6.8(a)13, no later than June 1, 2020, Petitioner shall provide notice of the proposed transfer to subscribers by way of bill insert or by republication in at least one newspaper circulated in the cable television company's service area. Such notice shall provide notice of ability for subscribers to access petition electronically and to file comments on the petition to the Board of Public Utilities at board.secretary@bpu.nj.gov under Docket No. CM20030211 no later than July 1, 2020.

4. SCHEDULE OF HEARING DATES, TIME, AND PLACE:

To be determined, if necessary.

5. STIPULATIONS:

The parties entered into an Agreement of Non-Disclosure of Information Agreed to Be Confidential.

6. SETTLEMENT:

Notice should be provided to all parties of any settlement discussions for the preparation of an agreement to resolve the issues in the case.

7. AMENDMENTS TO PLEADINGS:

None at this time.

8. DISCOVERY AND DATE FOR COMPLETION:

The time limits for discovery shall be in accordance with N.J.A.C. 1:1-10.4, or as provided in Exhibit A.

9. ORDER OF PROOFS:

To be determined

10. EXHIBITS MARKED FOR IDENTIFICATION:

None at this time.

11. EXHIBITS MARKED IN EVIDENCE:

None at this time.

12. ESTIMATED NUMBER OF FACTS AND EXPERT WITNESSES:

None at this time.

13. MOTIONS:

None at this time.

14. SPECIAL MATTERS:

None at this time.

DISCUSSION AND FINDINGS

I **HEREBY ISSUE** the aforementioned as the Prehearing Order in this matter and **HEREBY DIRECT** the parties to comply with its terms.

The parties are directed to work cooperatively with each other to the fullest extent possible in the interests of reaching a just determination in this proceeding.

I **HEREBY DIRECT** that this Order be posted on the Board's website.

This provisional ruling is subject to ratification or other alteration by the Board as it deems appropriate during the proceedings in this matter.

DATED: May 15, 2020

BY:



UPENDRA J. CHIVUKULA
COMMISSIONER

EXHIBIT A

IN THE MATTER OF THE JOINT PETITION OF CSC TKR, LLC AND SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC. FOR THE APPROVAL OF THE TRANSFER OF CERTIFICATES FOR APPROVAL OF SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC.
DOCKET NUMBER CM20030211

Procedural Schedule¹

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| | |
|---------------------------------------|-----------------------------|
| Discovery – First Round Responses Due | May 18, 2020 |
| Discovery Settlement Conference | May 26, 2020 |
| Public Notice Republication Deadline | June 1, 2020 |
| Deadline for Second Round Discovery | June 1, 2020 |
| Discovery- Second Round Responses | June 16, 2020 |
| Settlement Conference on Discovery | June 23, 2020 |
| Public Comments Deadline | July 1, 2020 |
| Settlement Conference, if necessary | TBD |
| Hearing Date, if necessary | TBD |
| Board Determination | no later than July 31, 2020 |

¹ Discovery will be conducted on a rolling basis with responses due in accordance with N.J.A.C. 1:1-10.4, subject to the scheduled end dates. The aforementioned dates are subject to modification by the presiding Commissioner. The parties on the service list will be notified accordingly.

IN THE MATTER OF CSC TKR, LLC (ALTICE USA, INC.) AND SERVICE ELECTRIC CABLE
T.V. OF NEW JERSEY, INC FOR THE APPROVAL OF THE TRANSFER OF CERTIFICATES
OF APPROVAL OF SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC.
DOCKET NO. CM20030211

SERVICE LIST

Sidney A. Sayovitz, Esq.
James Eric Andrews, Esq.
Scheck Price Smith & King, LLP
220 Park Avenue
PO Box 991
Florham Park, NJ 07932
sas@spsk.com
jea@spsk.com

Paul Jamieson
Vice President, Government Affairs & Policy
Robert Hoch
Altice USA
1 Court Square West, 49th Fl
Long Island City, NY 11101
paul.jamieson@AlticeUSA.com
robert.hoch@AlticeUSA.com

Marilyn D. Davis
Area Director, Government Affairs
Altice USA
494 Broad Street
Newark, NJ 07102
marilyn.davis16@AlticeUSA.com

David J. Pascrell, Esq.
Gibbons, PC
50 West State Street
Suite 1104
Trenton, New Jersey 08608-1220
dpascrell@gibbonslaw.com

Luke C. Platzer
Jenner & Block LLP
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
LPlatzer@jenner.com

Stefanie A. Brand, Esq., Director
Maria Novas-Ruis, Asst Dep. Rate Counsel
Division of Rate Counsel
Post Office Box 003
Trenton, NJ 08625-0003
sbrand@rpa.nj.gov
mnovas-ruis@rpa.nj.gov

Susan M. Baldwin
SM Baldwin Consulting
13 Church Hill Street
Watertown, MA 02472
smbaldwinconsulting@gmail.com

Department of Law & Public Safety
Division of Law, Public Utilities Section
R.J. Hughes Justice Complex, 7th Floor West
25 Market Street, P.O. Box 112
Trenton, New Jersey

Pamela Owen, DAG
Pamela.owen@law.njoag.gov

Brandon Simmons, DAG
Brandon.simmons@law.njoag.gov

Meliha Arnautovic, DAG
Meliha.Arnautovic@law.njoag.gov

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Trenton, NJ 08625-0350

Lawanda R. Gilbert, Director
Office of Cable Television and
Telecommunications
lawanda.gilbert@bpu.nj.gov

William Furlong, Bureau Chief
Office of Cable Television and
Telecommunications
William.Furlong@bpu.nj.gov

Michael P. Meliti, Esq.
Guaglardi & Meliti, LLP
365 W. Passaic Street, Suite 130
Rochelle Park, New Jersey 07662
mpmeliti@adgmlaw.com

James E. Dunstan
Mobius Legal Group, PLLC
P.O. Box 6104
Springfield, VA 22150-6104
jdunstan@mobiuslegal.com

Richard Wagenblast, AA4
Office of Cable Television and
Telecommunications
Richard.Wagenblast@bpu.nj.gov

Amy Drummond, AA4
Office of Cable Television and
Telecommunications
Amy.Drummond@bpu.nj.gov

Nancy Wolf, AA4
Office of Cable Television and
Telecommunications
Nancy.Wolf@bpu.nj.gov

Gloria Furlong, Supvg Acct
Office of Cable Television and
Telecommunications
Gloria.Furlong@bpu.nj.gov

Jeffrey Kaufman AA4
Office of Cable Television and
Telecommunications
Jeffrey.Kaufman@bpu.nj.gov

Carol Artale, Esq.
Deputy General Counsel
carol.artale@bpu.nj.gov