



Agenda Date: 11/9/22
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 PETITION OF TIME)
WARNER CABLE NEW YORK CITY LLC, l/k/a) RENEWAL CERTIFICATE OF
CHARTER COMMUNICATIONS FOR A RENEWAL) APPROVAL
CERTIFICATE OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE VILLAGE)
OF RIDGEFIELD PARK, COUNTY OF BERGEN,) DOCKET NO. CE19070826
STATE OF NEW JERSEY)

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, on behalf of Time Warner Cable
New York City LLC l/k/a Charter Communications.
Tara O’Grady, Clerk, Village of Ridgefield Park, New Jersey

BY THE BOARD:

On September 1, 1977, the New Jersey Board of Public Utilities (“Board”) granted Vision Cable Television (“Vision”) a Certificate of Approval (“Certificate”), in Docket No. 776C-6287 for the construction, operation and maintenance of a cable television system in the Village of Ridgefield Park (“Village”). On June 29, 1987, the Board granted Vision a Renewal Certificate of Approval (“Renewal Certificate”) for the Village in Docket No. CE86101163. On March 13, 1995, the Board approved the transfer of the Renewal Certificate from Vision to Time Warner Entertainment-Advance Newhouse Partnership (“TWEAN”) in Docket No. CM94110531. On August 20, 1998, the Board granted TWEAN a Renewal Certificate for the Village in Docket No. CE97090679. On January 31, 2001, the Board approved the transfer of the Renewal Certificate from TWEAN to TWFanch-One Company d/b/a Time Warner Cable (“TWFanch”) in Docket No. CM00080556. On December 11, 2006, the Board issued a Renewal Certificate to TWFanch for the Village, in Docket No. CE03110925.

Through a series of subsequent transfers with the required Board approvals, Time Warner Cable New York City LLC I/k/a Charter Communications (“Petitioner”) was the holder of the Certificate at the time the Petition was filed for a Renewal Certificate.¹ On October 14, 2020, the Board approved the internal reorganization of Charter Communications Inc. (“Charter”) and Spectrum New York Metro, LLC, f/k/a Time Warner Cable New York City, LLC and the transfer of Charter’s New Jersey cable assets and franchises into a newly created subsidiary, Spectrum New Jersey, LLC in Docket No. CO20090598.²

The Petitioner filed an application for the renewal of its municipal consent with the Village on October 23, 2013, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On December 11, 2018, the Village, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner (“Ordinance”). The Petitioner formally accepted the terms and conditions of the ordinance on December 19, 2018. On July 17, 2019, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Village. Although by its terms, the above referenced Renewal Certificate expired on July 23, 2014, the Petitioner is authorized to continue to provide cable television service to the Village pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate.

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the municipal consent ordinance and the petition for a Renewal Certificate of Approval. 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 of Approval. Further, these qualifications were reviewed by the Village 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 date of issuance 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 maintain an informational schedule of prices, terms and conditions for unregulated service rates and promptly file any revisions thereto.

¹ In Docket No. CM09080719, the Board approved the merger and transfer of Certificates from TWFanch to Time Warner Entertainment Company, L.P. In Docket No. CM12030252, the Board approved the asset transfer of Time Warner Entertainment Company, L.P. to Time Warner Cable New York City, LLC, (“TWCNYC”). In Docket No. CM15070770, the Board approved the transfer of the equity interests of TWCNYC to Charter Communications, Inc.

² All references to Petitioner herein are inclusive of Charter as the ultimate owner of the subsidiary, Spectrum New Jersey which currently holds the New Jersey System franchises.

6. The Petitioner shall proffer service along any public right-of-way to any person's residence or business located in all areas of the franchise territory. Any additional extension of the system shall be made in accordance with the Petitioner's Line Extension Policy attached to the Certificate ("Appendix "I") with a minimum homes per mile ("HPM") figure of 25.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Village. 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 200 Roosevelt Place, Palisades Park, New Jersey.
9. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Village is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3(x), derived from cable television charges or fees paid by subscribers for its cable television service in the Village. Additional regulatory fees shall be paid to the State in an 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 provide access time for non-commercial use to noncommercial public, governmental and educational entities on one (1) PEG Access Channel, which the Village will share with other municipalities in Bergen County, New Jersey, with which the Petitioner has a cable franchise. Time shall be available on the PEG channel to the Village governing body or its designee and the Board of Education or its designee at least once per week at a reasonable time to be set by the Petitioner. The Petitioner may also continue to maintain a studio for producing governmental access programming currently located at 200 Roosevelt Place, Palisades Park, New Jersey
11. The Petitioner shall provide Standard Installation and Basic Cable Service, on one (1) outlet, free of charge, to the following locations; the Municipal Building located at 234 Main Street; Volunteer Ambulance Corps located at 48 Main Street; Rescue Squad located at 52 Main Street; Fire Chiefs Office located at 50 Main Street; Department of Public Works located at 24 Industrial Avenue; Civic Center located at 159 Park Street; Municipal Public Library located at 107 Cedar Street; Volunteer Fire Company Engine 1 located at 63 Mount Vernon Street; Volunteer Fire Company Engine 2 located at 45 Euclid Avenue; Volunteer Fire Company Engine 3 located at 83 Hackensack Avenue; Volunteer Fire Company Engine 4 located at 119 Teaneck Road; Volunteer Fire Company Ladder 1 located at 42 Garden Street; Volunteer Fire Company Ladder 2 located at 93 Hazelton Street; Lincoln School located at 712 Lincoln Avenue; and Grant School located at 104 Henry Street. The Basic Cable service provided shall not be used for commercial purposes. The Village shall take reasonable precautions to prevent any inappropriate use or loss or damage to the Petitioner's Cable System.

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 of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Village.

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.

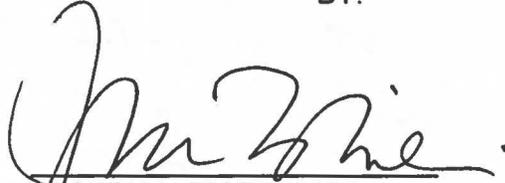
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant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

This Certificate shall expire on November 16, 2032.

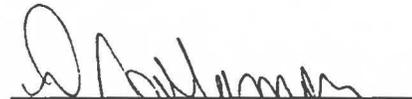
This Order shall be effective on November 16, 2022.

DATED: November 9, 2022

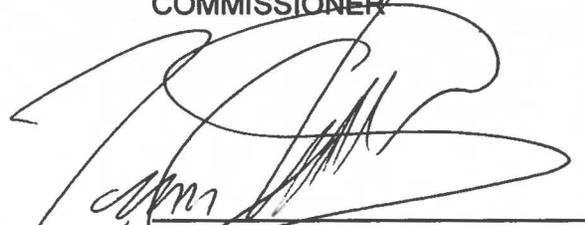
BOARD OF PUBLIC UTILITIES
BY:


JOSEPH L. FIORDALISO
PRESIDENT

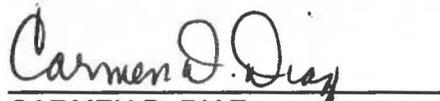

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


ROBERT M. GORDON
COMMISSIONER


DR. ZENON CHRISTODOULOU
COMMISSIONER

ATTEST:


CARMEN D. DIAZ
ACTING 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"

LINE EXTENSION POLICY

TIME WARNER CABLE NEW YORK CITY LLC

VILLAGE OF RIDGEFIELD PARK

Time Warner Cable New York City LLC ("TWC") shall be required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system, as detailed hereinbelow. Actual subscribers served by the extension are required to absorb the remainder of the cost, as also detailed hereinbelow.

If new subscribers are added (within two years) to the area served by an extension, the cost shall be adjusted by recomputing step 5 below and those who previously paid a portion of the cost of the extension shall receive an appropriate rebate (provided, however, that no such rebate shall exceed the subscriber's contribution).

The following will be utilized to determine the respective costs to be borne by TWC and potential subscribers in connection with a proposed extension of plant:

A. If the average density of homes per mile ("HPM") (measured within 150 feet of the existing public right-of-way, if the area is to be served aurally, or 100 feet if the area is to be served underground) to be passed by the proposed extension is 25 or more, TWC will build the extension at its full cost.

B. If the average density HPM is less than 25, the cost of the extension will be shared in accordance with the following formula:

- | | | |
|--|---|---|
| 1. <u># homes in extension</u>
mileage of extension | = | homes per mile (HPM) of
extension |
| 2. <u>HPM of extension</u>
Minimum HPM that
company constructs
in the system (i.e., 25) | = | ratio of the density of
the extension to the
minimum density which the
company constructs in the
system ("A") |
| 3. Total cost of building
the extension time "A" | = | TWC's share of
extension cost |
| 4. Total cost of building
extension less TWC's
share of extension cost | = | total amount to be
recovered from
subscribers |
| 5. Total amount to be
recovered from subs
Total subscribers in extension | = | each subscriber's share |

IN THE MATTER OF THE PETITION OF TIME WARNER CABLE NEW YORK CITY LLC, I/k/a
CHARTER COMMUNICATIONS FOR A RENEWAL CERTIFICATE OF APPROVAL TO
CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM
IN AND FOR THE VILLAGE OF RIDGEFIELD PARK, COUNTY OF BERGEN, STATE OF NEW
JERSEY

DOCKET NUMBER CE19070826

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