



Agenda Date: 11/9/22
Agenda Item: IIIB

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, I/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)
BOROUGH OF TETERBORO, COUNTY OF)
BERGEN, STATE OF NEW JERSEY) DOCKET NO. CE18101144

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, on behalf of Time Warner Cable
New York City LLC, I/k/a Charter Communications
Virginia A. Alcuri, Clerk, Borough of Teterboro, New Jersey

BY THE BOARD:

On September 4, 1981, the New Jersey Board of Public Utilities (“Board”) granted Vision Cable Television (“Vision”) a Certificate of Approval (“Certificate”) in Docket No. 812C-6748 for the construction, operation and maintenance of a cable television system in the Borough of Teterboro (“Borough”). On March 13, 1995, the Board approved the transfer of the Certificate from Vision to Time Warner Entertainment-Advance Newhouse Partnership (“TWEAN”) in Docket No. CM94110531. On March 5, 1998, the Board granted TWEAN a Renewal Certificate of Approval (“Renewal Certificate”) for the Borough in Docket No. CE97090680. 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 Borough in Docket No. CE04050366. 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 instant petition was filed for a Renewal Certificate.¹ On October 14, 2020, the

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.

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 Borough on March 17, 2011, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On March 28, 2018, the Borough, 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 May 2, 2018. On October 18, 2018, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Borough. Although by its terms the Petitioner’s above referenced Renewal Certificate expired on September 4, 2011, the Petitioner is authorized to continue to provide cable television service to the Borough 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 Borough 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 proffer service along any public right-of-way to any person’s residence or business located in the Borough. For any additional extension of the system which is necessary in the future but not contemplated, the Petitioner shall utilize the line extension policy attached to the Certificate (“Appendix “I””) for any extension outside of the Primary Service Area. The minimum homes per mile (“HPM”) figure is 25.
6. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service and promptly file any revisions thereto.

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.

7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. 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. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough 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 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 ordinance states that Petitioner shall provide access time for non-commercial use to non-commercial PEG entities on one (1) PEG access channel. The PEG channels are shared with other communities in the Charter Bergen system. A studio is available for use, located at 200 Roosevelt Place, Palisades Park, New Jersey.
11. The Petitioner shall provide, without charge, standard installation on one (1) outlet and equipment of basic cable service to the Municipal Building located at 510 Route 46 West; and the Public Works Building located at 250 Hollister Road. The cable service provided shall not be used for commercial purposes. The Borough 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 as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

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.

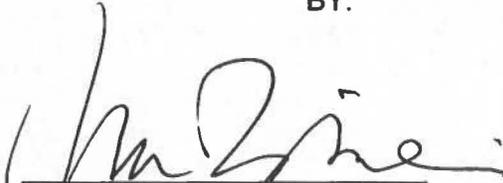
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant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

This Certificate shall expire on November 16, 2032.

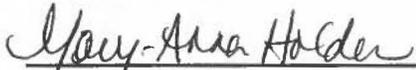
This Order shall be effective on November 16, 2022.

DATED: November 9, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



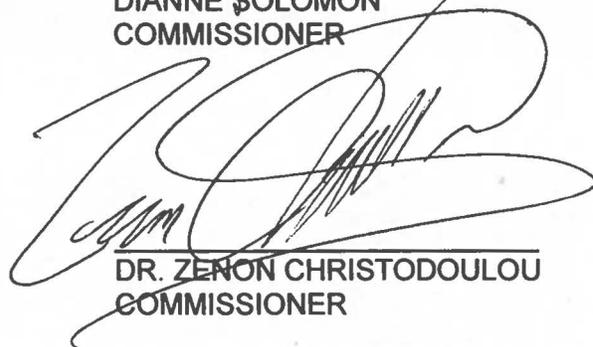
MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

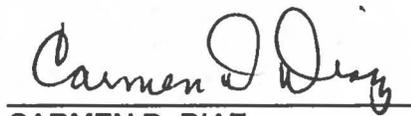


ROBERT M. GORDON
COMMISSIONER



DR. ZENON CHRISTODOULOU
COMMISSIONER

ATTEST:



CARMEN D. DIAZ
ACTING SECRETARY

! 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 (locally known as
"Charter Communications")

BOROUGH OF TETERBORO

Time Warner Cable New York City LLC (locally known as "Charter Communications") 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 herein below. Actual subscribers served by the extension are required to absorb the remainder of the cost, as also detailed herein below.

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 Charter Communications and potential subscribers in connection with a proposed extension of plant:

A. If the average density of homes per mile ("HPM")* to be passed by the proposed extension is 25 or more, Charter Communications 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. $\frac{\text{\# homes in extension*}}{\text{mileage of extension}}$ | = | homes per mile (HPM) of extension |
| 2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company constructs in the system (i.e., 25)}}$ | = | 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 times "A" | = | Charter's share of extension cost |
| 4. Total cost of building extension less Charter's share of extension cost | = | total amount to be recovered from subscribers |
| 5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$ | = | each subscriber's share |

Total subscribers in extension

* (measured within 125 feet of the existing public right-of-way, if the area is to be served aerially, or 100 feet if the area is to be served underground)

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
BOROUGH OF TETERBORO, COUNTY OF BERGEN, STATE OF NEW JERSEY

DOCKET NO. CE18101144

SERVICE LIST

Dennis C. Linken, Esq.
Scarinci Hollenbeck, LLC
Post Office Box 790
Lyndhurst, NJ 07071-0790
dlinken@sh-law.com

Virginia A. Alcuri
Borough Clerk
Borough of Teterboro
510 Route 46 West
Teterboro, NJ 07608
ginger@teterboronj.org

Rodney Capel, Vice President
State Government Affairs, Northeast
Charter Communications
120 East 23rd Street
New York, New York 10010
rodney.capel@charter.com

Alex Camarda
Director, State Government Affairs
Charter Communications/Spectrum
120 East 23rd St. – 11th floor
New York, NY 10010
alex.camarda@charter.com

Meliha Arnautovic, DAG
NJ Department of Law & Public Safety
Division of Law
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street
Post Office Box 112
Trenton, NJ 08625
melih.arnautovic@law.njoag.gov

Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

Carmen Diaz, Acting Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Office of Cable Television and
Telecommunications

Lawanda R. Gilbert, Esq., Director
lawanda.gilbert@bpu.nj.gov

Nancy J. Wolf, Administrative Analyst 4
nancy.wolf@bpu.nj.gov

Stephanie Katz, Administrative Analyst Trainee
stephanie.katz@bpu.nj.gov

Counsel's Office

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

Lanhi Saldana, Legal Specialist
lanhi.saldana@bpu.nj.gov

Steven Athanassopoulos, Legal Specialist
steven.athanassopoulos@bpu.nj.gov