



Agenda Date: 8/16/23  
Agenda Item: IIIB

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF THE VERIFIED PETITION OF )  
CSC TKR, LLC D/B/A CABLEVISION OF MORRIS ) RENEWAL CERTIFICATE OF  
FOR RENEWAL OF A CERTIFICATE OF ) APPROVAL  
APPROVAL TO CONTINUE TO OPERATE AND )  
MAINTAIN A CABLE SYSTEM IN THE TOWNSHIP )  
OF MONTVILLE, COUNTY OF MORRIS, STATE OF )  
NEW JERSEY ) DOCKET NO. CE19070781

**Parties of Record:**

**Vaughn Parchment, Esq.**, Norris McLaughlin, P.A., on behalf of CSC TKR, LLC d/b/a Cablevision of Morris  
**Stacy Sullivan-Gruca**, Clerk, Township of Montville, New Jersey

BY THE BOARD:

On November 30, 1978, the New Jersey Board of Public Utilities ("Board") granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval ("Certificate"), in Docket No. 786C-6373, for the construction, operation and maintenance of a cable television system in the Township of Montville ("Township"). On July 28, 1995, the Board issued a Renewal Certificate of Approval ("Renewal Certificate") to Sammons for the Township in Docket No. CE94090394. Through a series of transfers with the required Board approvals, the holder of the Certificate became CSC TKR, Inc. d/b/a Cablevision of Morris ("Cablevision"). On December 18, 2008, the Board granted Cablevision a Renewal Certificate for the Township in Docket No. CE08090704. Based on a name change, the Certificate is currently held by CSC TKR, LLC d/b/a Cablevision of Morris ("Petitioner"). Although by its terms, the Petitioner's above referenced Certificate expired on December 18, 2018, the Petitioner is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about April 17, 2018, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On February 14, 2019, the Township, 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 3, 2019. On July 1, 2019, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township. On March 31, 2023 the Petitioner filed an amended petition.

### **DISCUSSION AND FINDINGS**

The Board has reviewed the application for municipal consent, the municipal consent Ordinance, the petition for a Renewal Certificate, and the amended petition. 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 Township 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 effective date 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 residence within the franchise territory, at no cost beyond standard and non-standard installation charges as set forth in the Petitioner's application. The Petitioner shall utilize the line extension policy attached to the Certificate (Appendix "I") for any extension outside of the Primary Service Area with a homes per mile ("HPM") figure of 25.
6. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the Ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. 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: 683 Route 10 East, Randolph, New Jersey.
9. The franchise fee to be paid to the Township is specified to be 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 Township 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. The Petitioner provides capacity for up to two (2) channels on its system solely for non-commercial PEG access programming. Specifically, the Petitioner shall provide one (1) public access channel, and one (1) educational access channel. In addition, the Petitioner maintains a public access studio located at 352 Central Avenue, Newark, New Jersey, which is available for access users upon advance request. The location of the studio and the method of providing such services is subject to change.
  11. Within 60 days of issuance of this Certificate, the Petitioner shall provide to the Township a one-time PEG grant of \$6,000 to be used by the Township for any cable and/or other telecommunications related purpose and/or for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. Upon completion, the Petitioner shall submit proof to the Office of Cable Television and Telecommunications indicating its compliance with this provision. On request, the Township shall provide the Petitioner with a certification of compliance. The Petitioner shall have no obligation to provide any PEG grant payment due and payable after the date upon which the Petitioner converts the municipal consent granted to a system-wide franchise.
  12. Upon written request, the Petitioner shall provide free of charge, one (1) standard installation and monthly cable television reception service to all state or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Township.
  13. Upon written request from the Township, the Petitioner shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: a) one (1) standard installation per school or library; b) one (1) cable modem per installation; and c) basic cable modem service for the term of the Ordinance for each installation. This offer is subject to the terms, conditions and use policies of the Petitioner, as those policies may exist from time to time.
  14. Upon written request from the Township, the Petitioner shall provide to the Township without charge, at one (1) municipally owned facility, the following: a) one (1) standard installation; b) one (1) cable modem per installation; and c) basic cable modem service for the term of the Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Petitioner as those policies may exist from time to time.

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 Township. It is noted here that a portion of the Township is also served by Cablevision of Oakland, LLC under Docket No. CE19070782, approved by the Board simultaneously with this petition on August 16, 2023.

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.

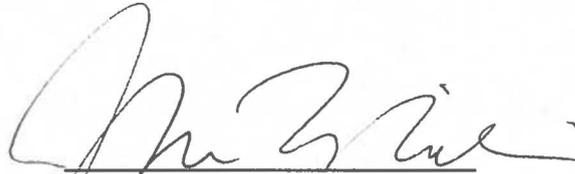
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant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

This Certificate shall expire on August 23, 2033.

This Order shall be effective on August 23, 2023.

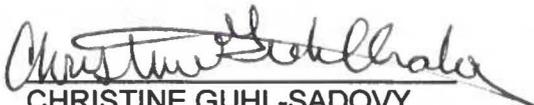
DATED: August 16, 2023

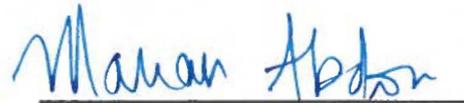
BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
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MARY-ANNA HOLDEN  
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CHRISTINE GUHL-SADOVY  
COMMISSIONER

  
\_\_\_\_\_  
MARIAN ABDOU  
COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
SHERRIL 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 d/b/a Cablevision of Morris  
Municipality: Township of Montville, County of Morris

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.

IN THE MATTER OF THE VERIFIED PETITION OF CSC TKR, LLC D/B/A CABLEVISION OF MORRIS  
FOR RENEWAL OF A CERTIFICATE OF APPROVAL TO CONTINUE TO OPERATE AND MAINTAIN A  
CABLE SYSTEM IN THE TOWNSHIP OF MONTVILLE, COUNTY OF MORRIS, STATE OF NEW  
JERSEY

DOCKET NO. CE19070781

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