



Agenda Date: 12/18/13  
Agenda Item: IIIF

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 9<sup>th</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
**[www.nj.gov/bpu/](http://www.nj.gov/bpu/)**

CABLE TELEVISION

IN THE MATTER OF CABLEVISION OF OAKLAND, ) SEVENTH ORDER OF  
LLC FOR THE CONVERSION TO A SYSTEM-WIDE ) AMENDMENT  
FRANCHISE IN THE BOROUGH OF ALPINE )  
) DOCKET NO. CE09030231

**Adam Falk**, Cablevision Systems Corporation, for Cablevision of Oakland, LLC  
**Gail Warming-Tanno**, Clerk, Borough of Alpine, New Jersey

BY THE BOARD:

On July 1, 2009, the Board of Public Utilities ("Board") issued an order memorializing the conversion by Cablevision of Oakland, LLC ("Cablevision of Oakland") of its municipal consent-based franchise in the Township of Cedar Grove to a System-wide Franchise in the above referenced docket number for a term of seven years to expire on March 20, 2016. On March 17, 2010, the Board issued an Order of Amendment to include the Borough of Bogota and the Borough of Ramsey into the Cablevision of Oakland System-wide franchise. On June 18, 2010, the Board issued a Second Order of Amendment to include eight additional municipalities: the City of Garfield, the Township of Nutley, the Village of Ridgewood, the Borough of River Edge, the Township of Rochelle Park, the Borough of Totowa, the Borough of Waldwick and the Borough of Westwood. On September 16, 2010, the Board issued a Third Order of Amendment to include an additional eight municipalities: the Borough of Allendale, the Borough of Elmwood Park, the Borough of Glen Rock, the Borough of Hasbrouck Heights, the Borough of Midland Park, the Borough of Oakland, the Township of South Hackensack and the Township of Washington (Bergen County). On November 10, 2010, the Board issued a Fourth Order of Amendment to include an additional seven municipalities: the Borough of Franklin Lakes, the Borough of Haledon, the Borough of Hawthorne, the Borough of Park Ridge, the Borough of Prospect Park, the Township of Saddle Brook and the Borough of Upper Saddle River. On January 19, 2011, the Board issued a Fifth Order of Amendment to include an additional ten municipalities: the City of Clifton, the Borough of Ho-Ho-Kus, the Township of Little Falls, the Borough of Lodi, the Borough of Maywood, the Borough of North Caldwell, the Borough of North Haledon, the City of Passaic, the Borough of Wood-Ridge and the Township of Wyckoff. On May 16, 2011, the Board issued a Sixth Order of Amendment to include the City of Hackensack.

Pursuant to N.J.S.A. 48:5A-25.1 and N.J.A.C. 14:18-14.13, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of P.L. 2006, c. 83 ("System-wide Cable Television Franchise Act" or "the Act") may automatically convert any or all of its municipal franchises upon notice to the Board and to the affected municipality or

municipalities. In addition, pursuant to N.J.A.C. 14:18-14.14, a cable television company operating under a system-wide franchise may add municipalities to its system-wide franchise upon notice to the affected municipality or municipalities and the Board.

On October 25, 2013, Cablevision of Oakland filed notice with the Borough of Alpine ("Borough") that it would convert its municipal consent ordinance-based franchise in the Borough, thereby making it part of its Cablevision of Oakland System-wide franchise, and it confirmed that it would abide by the provisions of N.J.S.A. 48:5A-28 (h)-(n), as required by the System-wide Cable Television Franchise Act. That notice was received by the Board on October 24, 2013.

## **DISCUSSION**

Under N.J.S.A. 48:5A-25.1, a cable television operator with a municipal consent-based franchise or franchises issued prior to the effective date of the Act may automatically convert any or all of its municipal franchises upon notice to the Board and to the affected municipality without meeting the requirements applicable to cable television operators applying for a system-wide franchise, except that the commitment requirements under N.J.S.A. 48:5A-28 (h)-(n) shall be applicable to all system-wide franchises, including conversions. N.J.S.A. 48:5A-28(h)-(n) impose 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. As noted above, Cablevision has committed to provide service to the Borough as required by these provisions.

## **DISPOSITION OF CERTIFICATE OF APPROVAL AND UNDERLYING MUNICIPAL CONSENT**

As discussed above, the Act allows a cable television company, operating under a municipal consent ordinance-based franchise, to "automatically convert" its system in any or all of its municipalities without approval from the Board or the impacted municipalities. N.J.S.A. 48:5A-25.1(a). Furthermore, N.J.S.A. 48:5A-19 provides that a "certificate of approval issued by the board shall be valid for 15 years from the date of issuance ... or until the expiration, revocation, termination or renegotiation of any municipal consent upon which it is based, whichever is sooner."

Cablevision of Oakland's Certificate of Approval and the underlying municipal consent ordinance in the Borough of Alpine was set to expire on April 27, 2021. Because Cablevision of Oakland has now converted the municipal consent based-franchise in the Borough to a system-wide franchise, pursuant to N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25.1(a), the Board **FINDS** that Cablevision of Oakland's Certificate of Approval is hereby terminated.

Cablevision of Oakland is authorized to provide cable television service to the Borough, pursuant to its converted System-wide Franchise and the requirements of N.J.S.A. 48:5A-28 (h)-(n) and applicable law.

Based upon the elements of the System-wide Franchise, and the legal mandates under which the Board operates, this Order **HEREBY RATIFIES** the addition of the Borough to Cablevision of Oakland's System-wide Franchise.

This Seventh Order of Amendment to the System-wide Franchise serves to add the Borough of Alpine to Cablevision of Oakland's System-wide Franchise, and does not, in any manner, modify, change or otherwise affect the terms and conditions of that July 1, 2009 Order.

Without limitations to the full requirements set forth in that Order, the Board reminds Cablevision of Oakland that, under the System-wide Franchise, it is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. To the extent possible, based upon the technology used in providing service, Cablevision of Oakland 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 the System-wide Franchise.

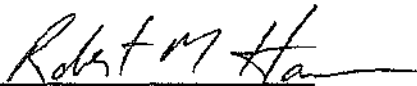
Failure to comply with all applicable laws, rules, regulations, or orders of the Board or the Office of Cable Television, or the terms, conditions, or limitations set forth herein, may subject Cablevision of Oakland to penalties, as enumerated in N.J.S.A. 48:5A-51, or may constitute sufficient grounds for the suspension or revocation of the System-wide Franchise.

This Seventh Order of Amendment to the System-wide Franchise is issued on the representation that the statements contained in Cablevision of Oakland's applications, notices, and other writings 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.


This Order shall be effective on December 30, 2013.

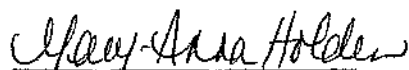
DATED: 12/18/13


BOARD OF PUBLIC UTILITIES  
BY:

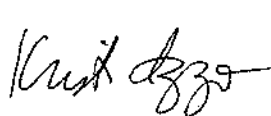
  
ROBERT M. HANNA  
PRESIDENT


  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
COMMISSIONER

ATTEST:  
  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities  


SERVICE LIST

IN THE MATTER OF CABLEVISION OF OAKLAND, LLC FOR THE CONVERSION TO A  
SYSTEM-WIDE FRANCHISE IN THE BOROUGH OF ALPINE

SEVENTH ORDER OF AMENDMENT

DOCKET NO. CE09030231

Sidney Sayovitz, Esq.  
Schenck, Price, Smith & King  
PO Box 991  
Florham Park, NJ 07932-0991

Adam Falk, Vice President  
Government and Public Affairs  
Cablevision Systems Corporation  
1111 Stewart Avenue  
Bethpage, NY 11714-3581

Gail Warming-Tanno, Clerk  
Borough of Alpine  
100 Church Street  
PO Box 1095  
Alpine, NJ 07620

Stefanie A. Brand, Esq., Director  
State of New Jersey  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Christopher White, Esq.  
State of New Jersey  
Division of Rate Counsel  
140 East Front Street, 4<sup>th</sup> Floor  
Post Office Box 003  
Trenton, NJ 08625-0003

Geoffrey R. Gersten  
Deputy Attorney General  
State of New Jersey  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029

Lawanda R. Gilbert, Acting Director  
State of New Jersey  
Board of Public Utilities  
Office of Cable Television  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350

Karen A. Marlowe  
Administrative Analyst I  
State of New Jersey  
Board of Public Utilities  
Office of Cable Television  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350