



Agenda Date: 12/21/22
Agenda Item: IIID

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 PALISADES PARK, COUNTY OF)
BERGEN, STATE OF NEW JERSEY) DOCKET NO. CE19070827

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
Gina S. Kim, Clerk, Borough of Palisades 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-6288 for the construction, operation and maintenance of a cable television system in the Borough of Palisades Park (“Borough”). On June 29, 1987, the Board granted Vision a Renewal Certificate of Approval (“Renewal Certificate”) for the Borough in Docket No. CE86101161. 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 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 July 29, 2009, the Board issued a Renewal Certificate to TWFanch for the Borough in Docket No. CE09040343. 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 Board approved

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.

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 July 26, 2017, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On December 19, 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 March 4, 2019. 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 Borough. Although by its terms the Petitioner’s above referenced Renewal Certificate expired on September 1, 2017, 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. 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 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 15 years, 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 at no cost beyond charges for standard and non-standard installation. For any future construction within the Borough, the Petitioner shall utilize the line extension policy attached to the Certificate (“Appendix “I””) 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 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.

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.

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 Borough 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 Borough. 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. Specifically, the Petitioner shall provide PEG access programming on two (2) channels shared with other communities in the Charter Bergen system. The Petitioner shall provide the Borough with use of a studio. Currently the studio is located at 200 Roosevelt Pl., Palisades Park, New Jersey.

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 September 1, 2032.

This Order shall be effective on December 28, 2022.

DATED: December 21, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



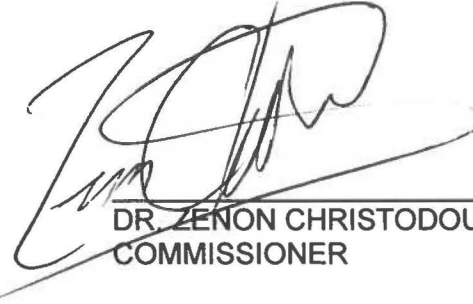
MARY-ANNA HOLDEN
COMMISSIONER



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 I/k/a
CHARTER COMMUNICATIONS
BOROUGH OF PALISADES PARK**

Time Warner Cable New York City ("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 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 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 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 actually
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" | = | 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
<u>recovered from subs</u>
Total subscribers in extension | = | each subscriber's share |

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BOROUGH OF PALISADES PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY

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