



Agenda Date: 1/28/09
Agenda Item: IIIF

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST)
OF GARDEN STATE, L.P. FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE BOROUGH OF)
BELLMAWR, COUNTY OF CAMDEN, STATE OF NEW)
JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE08080633

SERVICE LIST ATTACHED

BY THE BOARD:

On November 23, 1977, the Board granted Cable Systems, Inc. a Certificate of Approval in Docket No. 776C-6284 for the construction, operation and maintenance of a cable television system in the Borough of Bellmawr ("Borough"). Due to a series of Board approved transfers, the Certificate was held by Garden State Cablevision, L.P. ("Garden State"), and on November 7, 1994, the Board issued a Renewal Certificate to Garden State in BPU Docket No. CE93020061. Subsequently on April 17, 1998, the Board issued an Amendment to the Renewal Certificate of Approval in Docket No. CE96080595. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Garden State, L.P. ("Petitioner"). Although the Petitioner's above referenced Certificate expired on November 23, 2007, 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.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on February 22, 2007, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on June 26, 2008. The Petitioner formally accepted the terms and conditions of the ordinance on July 1, 2008.

On August 28, 2008, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval, and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, 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 previously 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 with an automatic renewal provision for a term of ten years thereafter in conformance with N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The Borough has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Borough shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Borough shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47; provided however, that the Borough shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure same within 90 days of that notification.
6. The Petitioner shall provide service to any residence or business along any public right-of-way in the primary service area, as set forth in the Petitioner's application, which states that the Petitioner shall provide service along any public right-of-way to all residential areas located in the franchise territory at no charge beyond tariffed standard and non-standard installation charges. Commercial areas which are not serviced and residential units located in those areas will be installed at tariffed rates.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational schedules of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.
8. 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. All complaints shall be received and processed in accordance with any applicable rules.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office at 1490 Berlin Road in Cherry Hill, NJ.
10. The franchise fee to be paid to the Borough 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 Borough or any additional amount thereafter 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.

11. The Petitioner shall provide public, educational, and governmental ("PEG") access equipment and facilities as described in the application. The Petitioner shall continue to provide an educational and governmental access channel for use by the Borough and its designees for the purpose of cablecasting non-commercial public, educational and governmental programming. Currently, the channel is operated and maintained by the Black Horse Pike Regional High School.
12. The Petitioner shall provide Total Preferred cable television service, on one outlet, free of charge, to each school in the Borough, public and private, elementary, intermediate and secondary. In order to qualify for free installation, the school must be located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. The Petitioner shall waive monthly service charges for any such additional outlets.
13. The Petitioner shall provide Total Preferred cable television service or its equivalent, on one outlet, free of charge, to each of the following municipal buildings: a) police; b) fire; c) emergency management facility; and d) public library in the Borough. In order to qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. The Borough shall pay for each additional outlet installed to any of the above facilities on a materials plus labor basis, however, the Petitioner shall waive monthly service charges for any such additional outlets.
14. The Petitioner shall provide a non-standard installation of Total Preferred cable television service to the Borough's recreation facility on Bell Road at the cost of the Petitioner.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), 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 et seq., that the Petitioner has complied or is ready 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, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and 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 Borough.

This Certificate 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. 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.

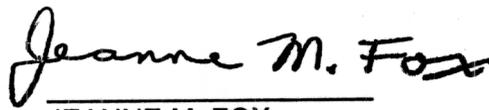
Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

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 pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on November 23, 2022.

DATED: 1/29/09

BOARD OF PUBLIC UTILITIES
BY:



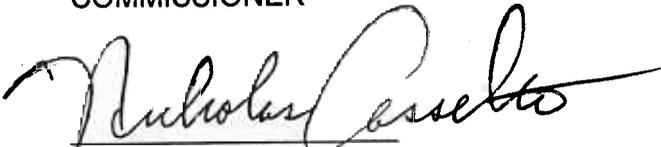
JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSETTA
COMMISSIONER



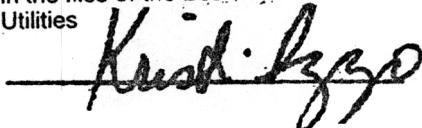
ELIZABETH H. RANDALL
COMMISSIONER

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

Dennis Linken, Esq.
Stryker, Tams and Dill
Two Penn Plaza East
Newark, NJ 07105

Charles J. Sauter, III
Borough Clerk
Bellmawr Borough
PO Box 368
Bellmawr, NJ 08099-0368

James V. Mallon
Area Manager of Government Affairs
Comcast
1191 Fries Mill Road
Franklinville, NJ 08322

Celeste M. Fasone, Director
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Nancy J. Wolf, Coordinator
State and Local Planning South
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Jessica L. Campbell, Esq.
Deputy Attorney General
Division of Law
State of New Jersey
124 Halsey Street
Newark, New Jersey 07102