



Agenda Date: 9/16/10  
Agenda Item: III G

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center, Suite 801**  
**Newark, NJ 07102**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST OF ) AUTOMATIC RENEWAL  
OF SOUTH JERSEY, LLC FOR A CERTIFICATE OF ) CERTIFICATE OF APPROVAL  
APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE )  
AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND )  
FOR THE BOROUGH OF WOODBINE, COUNTY OF )  
CAPE MAY, STATE OF NEW JERSEY ) DOCKET NO. CE08100899

Stryker, Tams and Dill, Newark, New Jersey, by Dennis Linken, Esq., for the Petitioner  
Borough Clerk, Borough of Woodbine, New Jersey, by Lisa Garrison, for the Borough

BY THE BOARD:

On July 1, 1981, the Board granted Teleprompter Corporation a Certificate of Approval ("Certificate") in Docket No. 801C-6729 for the construction, operation and maintenance of a cable television system in the Borough of Woodbine ("Borough"). Due to a series of Board approved transfers, the Certificate was transferred Lenfest Atlantic, Inc. ("Lenfest"), and on October 21, 1998, the Board issued a Renewal Certificate of Approval in Docket No. CE97060388. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of South Jersey, LLC ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on October 21, 2008, 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.

On September 17, 2008, the Petitioner notified the Borough of its intention to exercise its right under the automatic renewal provision of the municipal consent and Renewal Certificate of Approval. On October 9, 2008, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the Borough, pursuant to N.J.S.A. 48:5A-16, -19 and -25 and N.J.A.C. 14:17-6.9 and 14:18-13.6. The filing indicates that the Borough had adopted an ordinance on April 17, 1997, for a term of ten years from the date of the Renewal Certificate with an automatic renewal term of five years.

The Board has reviewed the petition for an Automatic Renewal Certificate of Approval and the Application filed therein by the Petitioner. 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 Renewal Certificate of Approval.
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 five years. The Board finds this period to be of reasonable duration.
5. The Petitioner shall provide service to any residence along any public right-of-way in the Primary Service Area at no cost beyond standard and non-standard installation charges. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. 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 for unregulated service rates, 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. All complaints shall be received and processed in accordance with any applicable rules.
8. 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 located at 901 West Leeds Avenue in the Borough of Absecon.
9. 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 permitted by the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., or otherwise allowed by law. 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 services, equipment and facilities as required by the ordinance and application. Specifically, the Petitioner shall continue to provide one channel for educational access and also provides one channel for governmental access. The Petitioner shall provide use of a mobile van unit and a fully equipped studio.
11. The Petitioner shall continue to provide standard installation and basic cable television service, free of charge, to each school, library and municipal building, including such buildings as may be constructed within the Borough. At the time of initial Installation, the Petitioner shall provide as many outlets per building as requested by the Borough, Board of Education or other governmental entity having control of such facility. After the initial installation, if any additional outlets or installations are requested, the requesting party shall pay for the installation based on time and materials.
12. The Petitioner shall continue to offer a senior citizens/disabled discount for persons meeting the eligibility requirements pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

Based upon these findings, the Board **HEREBY CONCLUDES**, 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., except as modified above, 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 or 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 Automatic 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 Renewal 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 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 of 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 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 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 October 21, 2013.

DATED: 9/16/10

BOARD OF PUBLIC UTILITIES  
BY:

*Jeanne M. Fox*

JEANNE M. FOX  
COMMISSIONER

LEE A. SOLOMON  
PRESIDENT

*Joseph L. Fiordaliso*

JOSEPH L. FIORDALISO  
COMMISSIONER

*Nicholas Asselta*

NICHOLAS ASSELTA  
COMMISSIONER

*Elizabeth Randall*

ELIZABETH RANDALL  
COMMISSIONER

ATTEST: *Kristi Izzo*  
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  
*Kristi Izzo*



The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/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 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six 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 years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five 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.

**COMCAST OF SOUTH JERSEY, LLC**  
**AUTOMATIC RENEWAL CERTIFICATE OF APPROVAL**  
**BOROUGH OF WOODBINE**  
**DOCKET NO. CE08100899**

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