



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
PO Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST)
OF MERCER COUNTY, LLC FOR A CERTIFICATE)
OF APPROVAL TO CONTINUE TO CONSTRUCT,)
OPERATE AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN AND FOR THE CITY OF TRENTON,)
COUNTY OF MERCER, STATE OF NEW JERSEY)

AUTOMATIC RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE10030194

Parties of Record:

Dennis C. Linken, Esq., Scarinci & Hollenbeck, LLC, for the Petitioner

Leona Baylor, City Clerk, City of Trenton, New Jersey, for the City

BY THE BOARD:

On March 6, 1980, the Board of Public Utilities ("Board") granted Cable One, Inc. a Certificate of Approval in Docket No. 796C-6490 for the construction, operation and maintenance of a cable television system in the City of Trenton ("City"). On March 26, 1981, the Board approved the transfer of the Certificate from Cable One, Inc. to Comcast Cablevision of Mercer County, Inc. ("Comcast") in Docket No. 8010C-6727. On March 27, 1995, the Board issued a Renewal Certificate of Approval to Comcast in Docket No. CE94100481. Due to a name change, the current holder of the Certificate is Comcast of Mercer County, LLC ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on March 6, 2010, the Petitioner is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate.

On February 6, 2010, the Petitioner notified the City of its intention to exercise its right under the automatic renewal provision of the City's municipal consent and the Renewal Certificate of Approval. On March 26, 2010, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the City, 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 City had adopted an ordinance on September 15, 1994, for a term of fifteen years with an automatic renewal term of ten 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. The Office of Cable Television has confirmed that the requisite construction was completed.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Petitioner shall provide service to any residence or business along any public right-of-way in the Primary Service Area at no cost beyond standard and non-standard installation charges. For any extension of plant 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 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 City. 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 940 Prospect Street, Trenton, New Jersey.
9. The franchise fee to be paid to the City 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 City 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 services, equipment and facilities as required by the ordinance and application. The Petitioner shall continue to provide one educational and

governmental ("EG") access channel for use by the City for the purpose of cablecasting non-commercial educational and governmental programming. Currently, the channel is operated by Trenton High School and all requests are forwarded to the school. The Petitioner also maintains a system-wide community bulletin board and a system-wide Educational Access channel that is operated by Mercer County Community College.

- 11 The Petitioner shall provide the installation and basic cable television service, free of charge, to one outlet to all qualified municipal facilities, schools and libraries within the City. Additional outlets and services shall be paid for at regular tariffed rates by the institution requesting those services.
- 12 Pursuant to N.J.S.A. 48:5a-28(d) and its application, the Petitioner shall maintain a performance bond in the amount of \$25,000.00 for the life of the franchise.¹

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 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 City.

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

¹ The Cable Television Act requires that, within its application, the cable operator include evidence of or a commitment for a bond in an amount of not less than \$25,000.00 for the life of the franchise pursuant to N.J.S.A. 48:5A-28(d). The purpose of the restatement of the performance bond is to clarify that notwithstanding the language in the City's ordinance that the performance bond be maintained for the period of construction, it will be in effect for the life of the franchise.

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 March 6, 2020.

DATED: 11/9/11

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

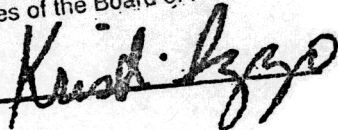

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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



APPENDIX "I"

Office of Cable Television
Line Extension Policy

Company Comcast of Mercer County, LLC
Municipality City of Trenton

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 | <u># of 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 * | = | 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" | = | company's share of
extension cost |
| 4 | Total cost of building
extension less company'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 |

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 which the company has historically constructed at its own cost. This is a function of the operator's break even 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 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 MERCER COUNTY, LLC
RENEWAL CERTIFICATE OF APPROVAL
CITY OF TRENTON
DOCKET NO. CE10030194

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