



Agenda Date: 3/16/06

Agenda Item: III-G

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

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF SERVICE
ELECTRIC CABLE TV OF NEW JERSEY, INC. FOR
RENEWAL OF ITS CERTIFICATE OF APPROVAL)
TO OWN, OPERATE, EXTEND AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN THE TOWNSHIP)
OF BRANCHVILLE, COUNTY OF SUSSEX, STATE
OF NEW JERSEY

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE05060534

SERVICE LIST ATTACHED

BY THE BOARD:

On December 9, 1981, the Board granted Cable TV of Tri-States d/b/a Matamoras Video Cable, Inc. ("Matamoras") a Certificate of Approval in Docket No. 815C-6784, for the construction, operation and maintenance of a cable television system in the Township of Branchville ("Township"). On September 26, 1985, the Board approved the transfer of the Certificate of Approval from Matamoras to Service Electric Cable TV of New Jersey, Inc. ("Petitioner") in Docket No. CM85070748. On June 3, 1993, the Board granted the Petitioner a Renewal Certificate of Approval for the Township in Docket No. CE91081367. Although the Petitioner's above referenced Certificate expired on December 9, 2001, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on May 31, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent on March 20, 2002.

On June 15, 2005, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. On July 7, 2005, the Petitioner formally

accepted the terms and conditions of the ordinance. On January 11, 2006, the Petitioner amended its petition to reference the acceptance of the ordinance. The Board has reviewed the application for municipal consent, the petition and amended 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:

The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process.

2. The design and technical specifications of the system will 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 ten years. The Board finds this period to be of reasonable duration.

The Township has reserved the right to review the performance of the Petitioner with regard to the ordinance and to seek redress administratively through the Board. Any determination by the Township that the Petitioner has failed to substantially comply with the material terms and conditions of the amended ordinance shall occur after notice and an opportunity to cure said deficiency. Upon determination of any such findings of non-compliance, the Township may petition the Board for appropriate administrative action, including revocation of the franchise.

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 tariffs 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 Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 320 Sparta Avenue, Sparta, New Jersey.

9. The franchise fee to be paid to the Township 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 Township. 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 proffer service along any public right of way located in all areas of the Township at tariffed rates for standard and non-standard installation.
11. The Petitioner shall provide public, educational and governmental access channels and facilities in accordance with its application. The application provides that the Petitioner maintains one educational access channel, for which it has hired a contractor to develop community programming.
12. The Petitioner shall provide the installation of one outlet and basic monthly service, free of charge, to each school in the Township, the Municipal Building and the firehouse.
13. If the Petitioner implements a senior citizens/disabled discount pursuant to N.J.S.A. 48:5A-11.2, in any municipality where it provides service, for persons meeting the eligibility requirements as outlined in N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20, it shall offer the same discount to residents of the Township.

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., 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 Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

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 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.

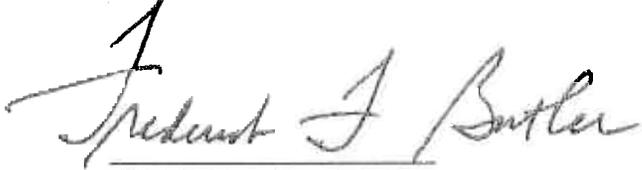
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on December 9, 2011

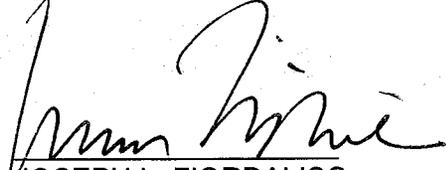
DATED: 3/22/06

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

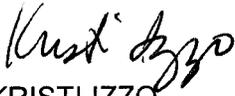

FREDERICK F. BUTLER
COMMISSIONER

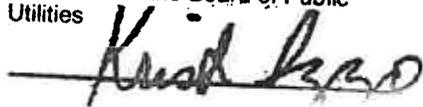

CONNIE O. HUGHES
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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


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