



Agenda Date: 1/16/08  
Agenda Item: III B

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

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST )  
OF NEW JERSEY, LLC FOR A CERTIFICATE OF ) RENEWAL  
APPROVAL TO CONTINUE TO CONSTRUCT, ) CERTIFICATE OF APPROVAL  
OPERATE AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN AND FOR THE BOROUGH OF PINE )  
BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY )

DOCKET NO. CE07040264

SERVICE LIST ATTACHED

BY THE BOARD:

On September 26, 1974, the Board granted Clear Television Cable Corporation a Certificate of Approval ("Certificate") in Docket No. 7312C-5067 for the construction, operation and maintenance of a cable television system in the Borough of Pine Beach ("Borough"). After an internal reorganization, the Certificate was then held by Clear Cablevision Inc. d/b/a Adelphia Cable ("Adelphia"). On June 18, 1991, the Board issued a Renewal Certificate of Approval to Adelphia in Docket No. CE90010016.. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of New Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on September 26, 2004, 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<sup>1</sup> filed an application for the renewal of its municipal consent with the Borough on December 23, 2003, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. After public

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<sup>1</sup> The application was filed with the Borough of Pine Beach as Comcast of New Jersey, LLC d/b/a Comcast of Toms River and the ordinance was issued to Comcast of Toms River, Inc. However, it is noted that the Petitioner is Comcast of New Jersey, LLC and is the recipient of the Renewal Certificate of Approval.

hearing, on September 13, 2006, the Borough introduced Ordinance No. 06-14-642, on first reading, granting Petitioner renewal municipal consent. The Petitioner formally accepted the terms and conditions of the ordinance by letter dated October 10, 2006. On October 11, 2006 the Borough adopted the ordinance on second reading, finally , adopting the ordinance without any modifications or changes.

On April 13, 2007, 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 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
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 fifteen years. The Board finds this period 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 be required to provide service along any public right of way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installations, as required by the ordinance. For any future extensions of the system, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
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 local offices located: at 830 Highway 37 West, in Toms River, New Jersey; 505 N. Main Street in Manahawkin, New Jersey; and Route 530 25 Whiting Shopping Center.
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 unless such amount is increased as required by N.J.S.A. 48:5A-30. 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 and the ordinance. The Petitioner shall continue to provide one system-wide public access channel. The Petitioner shall continue to provide a dedicated municipal access channel for use by the Borough and its designees for the purpose of cablecasting non-commercial public, educational and governmental programming. The Petitioner provides use of a portable camera, a color video cassette recorder, portable lights, mobile van for production, a studio for in-house production and an Access Coordinator is available to answer technical questions and provide basic equipment training.
12. The Petitioner shall provide to the Borough a one time capital contribution of \$15,000.00, to be utilized by the Borough for cable or technology related purposes. Upon payment, the Petitioner shall submit proof to the Office of Cable Television of satisfaction of this provision.
13. The Petitioner shall provide or continue to provide standard installation and monthly expanded basic service, free of charge, to one outlet to each qualified existing and future municipal building which includes: the municipal building, police, fire and first aid departments, libraries and community centers in the Borough. Installation shall be completed on new buildings within 30 days of the issuance of the certificate of occupancy. The Borough shall notify the Petitioner of any new construction requiring a free drop.
14. Within one year of the date of issuance of this Certificate, the Petitioner shall provide standard installation of one outlet and expanded basic service, free of charge, to each elementary and middle school, public or private in the Borough

Upon completion, the Petitioner shall submit proof to the Office of Cable Television of satisfaction of this provision.

15. Within one year of the date of issuance of this Certificate, the Petitioner shall provide one high speed modem and internet service, including standard installation, to one non-networked computer in each of the Borough's libraries and schools, public or private. Upon completion, the Petitioner shall submit proof to the Office of Cable Television of satisfaction of this provision.
16. Upon written request of the Borough, the Petitioner's representatives shall appear at least once annually, at a public hearing of the governing body or before the Cable Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough, and other related issues as the Borough and the Petitioner may decide.

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 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 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 Renewal Certificate.

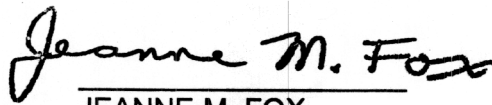
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to

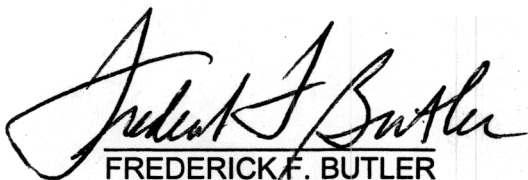
and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Renewal Certificate shall expire on September 26, 2019.

DATED: 1/17/08

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

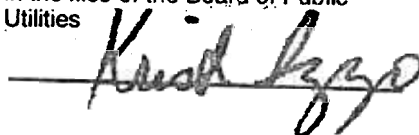
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
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



## APPENDIX "I"

### Office of Cable Television Line Extension Policy

Company	Comcast of New Jersey, LLC
Municipality	Borough of Pine Beach

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.

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|    | $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile (HPM) of extension}$   |
| 2. | $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system}^*} = \text{ratio of the density of the extension to the minimum density which the company constructs in the system ("A")}$ |
| 3. | $\text{Total cost of building the extension times "A"} = \text{company's share of extension cost}$   |
| 4. | $\text{Total cost of building extension less company's share of extension cost} = \text{total amount to be recovered from subscribers}$  |
| 5. | $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$   |

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:

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.

## SERVICE LIST

Richard P. DeAngelis, Esq.  
Stryker, Tams and Dill  
Two Penn Plaza East  
Newark, NJ 07105

Charlene Carney  
Borough Clerk  
Borough of Pine Beach  
599 Pennsylvania Ave.  
Pine Beach, NJ 08741-0425

Robert D. Clifton  
Director of Government & Community Affairs  
Comcast  
830 Highway 37 West  
Toms River, NJ 08755

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

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

Babette Tenzer  
Deputy Attorney General  
Division of Law  
State of New Jersey  
124 Halsey Street  
Newark, New Jersey 07102