



**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 ALLEGED FAILURE OF )  
SERVICE ELECTRIC CABLE TV OF NEW JERSEY, INC. )  
TO COMPLY WITH CERTAIN PROVISIONS OF THE )  
NEW JERSEY CABLE TELEVISION ACT, N.J.S.A. )  
48:5A-1 ET SEQ., THE NEW JERSEY ADMINISTRATIVE )  
CODE, N.J.A.C. 14:17-1 ET SEQ. AND N.J.A.C. )  
14:18-1 ET SEQ., AND CERTAIN PROVISIONS OF A )  
BOARD ORDER )

ORDER ACCEPTING  
OFFER OF SETTLEMENT

DOCKET NO. CO09010085

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

Service Electric Cable TV of New Jersey, Inc. ("SEC") with its principle office located at 320 Sparta Avenue, Sparta, New Jersey 07871, is a cable television system operator which provides cable television services to approximately 32,000 New Jersey customers in twenty-six (26) municipalities in Morris, Sussex and Warren counties.

The Board's Office of Cable Television, Inspection and Enforcement Bureau (hereinafter "Office") uncovered a number of alleged violations during the course of a compliance review. The Office served notice of its allegations that SEC did not conform to certain provisions of the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:17-1 et seq. and N.J.A.C. 14:18-1 et seq., as more specifically set forth in Attachment 1 (Schedule of Alleged Violations). The aforementioned statutes and regulations require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between SEC and the Office, SEC, on February 6, 2009, submitted an Offer of Settlement concerning the claimed non-conforming practices outlined on the attached Schedule of Alleged Violations.

Without admitting to any violations, SEC submitted an Offer of Settlement in order to resolve all issues concerning the violations alleged by the Office.

The Board has reviewed the matter and HEREBY FINDS that the Offer represents a reasonable settlement of the alleged violations. The Board HEREBY FINDS that the financial and other remedial actions proposed by SEC are sufficient to satisfy the alleged failures by SEC, and

therefore the Board HEREBY ACCEPTS the Offer of Settlement proffered by SEC subject to the following conditions:

1. SEC shall tender \$110,000.00, payable to Treasurer, State of New Jersey, within fifteen (15) days of the Board's acceptance of the Offer of Settlement.
2. SEC shall construct aerial and underground plant in Hope Township to pass eighty-seven (87) homes as outlined on Exhibit "A" (attached) at an approximate cost of \$219,000. The necessary make-ready requests will be submitted to the appropriate utilities immediately upon Board approval of this Offer of Settlement. All construction necessary to complete this construction will be completed within one hundred twenty (120) days of the completion of make-ready and the issuance of approved pole permits.
3. Within 12 months of the issuance of this Offer, SEC shall have completed the construction of 4.54 miles of fiber and 4.91 miles of coaxial cable for the purpose of serving all homes on Birch Ridge Road, Far View Road and Hope Bridgeville Road currently a total of eighty-seven (87) homes passed.
4. SEC shall file monthly municipal construction progress reports with the Office for Hope Township, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4 until construction is completed. These progress reports shall utilize the form attached as Exhibit "B" and shall be addressed to the attention of the Director of the Office.
5. SEC recognizes its commitments to the Townships of Hope, Frelinghuysen, Hardwick and Knowlton under its Regional Franchise and pledges to work with each of these communities to insure that their concerns and needs are met in a rational and cost effective manner.
6. SEC shall, on an on-going basis, provide verified proof to the Office that all required quarterly and annual notices are sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18 in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent.
7. SEC shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than April 13, 2009, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
  - a. SEC provides the Office with adequate notice of changes or additions to rates and services by filing tariffs/schedule of rates, terms and conditions with at least thirty (30) days notice prior to the effective date as required by N.J.A.C. 14:17-6.16 and N.J.A.C. 14:18-3.3(b) and (c).
  - b. SEC maintains complete copies of its current schedule showing all prices, rates, terms, conditions of service and service packages and disclose same to customers as required by N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3 (b) and (d) and N.J.A.C. 14:18-3.4(d).

- c. SEC files with the Office its monthly outage reports where service to customers was interrupted for at least two (2) hours and which affected fifty (50) or more customers within the appropriate timeframe as required by N.J.A.C. 14:18-6.6(a)1.
- d. SEC complies with prompt restoration standards concerning outages as required by N.J.A.C. 14:18-3.13(a)1.
- e. SEC files with the Office its financial statements for the local company and stockholder's report or S.E.C. Form 10-K, within the appropriate timeframe as required by N.J.A.C. 14:18-7.2, N.J.S.A. 48:5A-34(a) and N.J.S.A. 48:5A-44(c).
- f. SEC files its monthly municipal rebuild and upgrade progress reports with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4.
- g. SEC files its annual telephone system information report with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.6(b).
- h. SEC files its periodic telephone system performance reports with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.7(c).
- i. SEC's customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2.
- j. SEC obtains Board approval for any future inter-company advances or other loans of money or property as required by N.J.S.A. 48:5A-41.
- k. SEC complies with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

The Office will monitor SEC or its successor's future notice and filing requirements and procedures as set forth in the State Cable Television Act and the New Jersey Administrative Code.


The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses only those specific allegations and timeframes in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting SEC or a successor company or operator.

For purposes of assessing penalties for future offenses by SEC, their parents, affiliates, subsidiaries and successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, such future offenses shall be considered second or subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).


This Offer of Settlement does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73, et seq. To the extent that there is a potential for liability on the part of SEC, its parents, affiliates, subsidiaries, and successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other Board appropriate action.

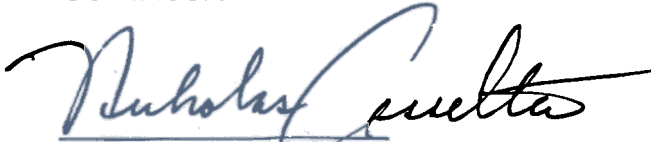
DATED: 2/11/09

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

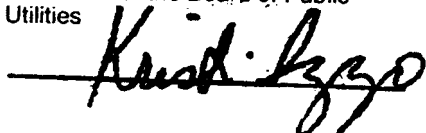
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSESTA  
COMMISSIONER

  
ELIZABETH 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



**IN THE MATTER OF THE ALLEGED FAILURE OF SERVICE ELECTRIC CABLE TV OF NEW  
JERSEY, INC. TO COMPLY WITH CERTAIN PROVISIONS OF THE NEW JERSEY CABLE  
TELEVISION ACT, N.J.S.A. 48:5A-1 ET SEQ., THE NEW JERSEY ADMINISTRATIVE CODE,  
N.J.A.C. 14:17-1 ET SEQ. AND N.J.A.C. 14:18-1 ET SEQ., AND CERTAIN PROVISIONS OF  
A BOARD ORDER**

**OFFER OF SETTLEMENT**

**DOCKET NO. CO09010085**

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Sparta, NJ 07871

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William H. Furlong, Chief  
Bureau of Inspection & Enforcement  
Board of Public Utilities  
Office of Cable Television  
Two Gateway Center  
Newark, NJ 07102

**ATTACHMENT 1  
SCHEDULE OF ALLEGED VIOLATIONS**

**OFFER OF SETTLEMENT**

**DOCKET NO. CO09010085**

1. SEC failed to provide the Office with adequate notice of changes or additions to rates and services by failing to file tariffs/schedule of rates, terms, and conditions with at least thirty (30) days notice prior to the effective date, pursuant to N.J.A.C. 14:17-6.16 and N.J.A.C. 14:18-3.3(b) and (c) in the years of 2004, 2005, 2006 and 2007.
2. SEC failed to provide customers with adequate information to assure they are served under the most advantageous schedule and demanded different compensation for its services, by failing to identify a sales tax provision for installations in the company's 2006 applicable schedule of rates, terms, and conditions, pursuant to N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3(b) and (d) and N.J.A.C. 14:18-3.4(d).
3. SEC failed to file with the Office in a timely manner monthly outage reports where service to customers was interrupted for at least two (2) hours and which affected fifty (50) or more customers, pursuant to N.J.A.C. 14:18-6.6(a)1 for February 2002 through September 2002, June 2003 through September 2003, July 2005, March 2006 through April 2006, July 2006 through October 2006, December 2006 through January 2007 and July 2007 through September 2007.
4. SEC failed to comply with prompt restoration standards concerning seven (7) outages in July 2003, pursuant to N.J.A.C. 14:18-3.13(a)1.
5. SEC failed to file or filed beyond the required timeframe financial statements for the local company and stockholder's report or S.E.C. Form 10-K with the Office, pursuant to N.J.A.C. 14:18-7.2, N.J.S.A. 48:5A-34(a) and N.J.S.A. 48:5A-44(c), in the years of 2003 and 2007.
6. SEC failed to file or filed beyond the required timeframe monthly municipal rebuild and upgrade progress reports with the Office, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4, for August 2003 through December 2003, February 2004, April 2004 through August 2004, October 2004 through November 2004 and January 2005.
7. SEC failed to file or filed beyond the required timeframe annual telephone system information reports with the Office, pursuant to N.J.A.C. 14:18-7.6(b), for the years of 1995 through 2003, 2005 and 2006.
8. SEC failed to file or filed beyond the required timeframe periodic telephone system performance reports with the Office, pursuant to N.J.A.C. 14:18-7.7(c), for January 1992, first quarter of 1994, fourth quarter of 1994, first

quarter of 1995, third quarter of 1995, the second quarter of 1996 through the fourth quarter of 1997, the second quarter of 1998 through the fourth quarter of 1998, the second quarter of 1999 through the third quarter of 2000, second quarter of 2001, fourth quarter of 2001 and the fourth quarter of 2004.

9. SEC failed to comply with the FCC Customer Service Standards (thirty (30) second hold time), pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a) 2 for the first quarter of 2004 through fourth quarter of 2005, the third through fourth quarter of 2006 and the second through third quarter of 2007.
10. SEC in 2004 loaned money to an affiliate through the use of an inter-company advance, without obtaining prior Board approval for the transaction, pursuant to N.J.S.A. 48:5A-41.
11. SEC failed to comply with the Board's Order granting a Certificate of Approval in Docket No. CE93110526, by failing to complete the minimum plant construction for the Township of Hope provided for in the Order within the timeframe allowed.

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES  
OFFICE OF CABLE TELEVISION**

Service Electric Cable TV of New Jersey, Inc.  
320 Sparta Avenue  
Sparta, New Jersey 07871

IN THE MATTER OF THE ALLEGED  
FAILURE OF SERVICE ELECTRIC CABLE  
TV OF NEW JERSEY, INC. TO COMPLY  
WITH PROVISIONS OF THE NEW JERSEY  
CABLE TELEVISION ACT, N.J.S.A. 48:5A-1 et seq., THE NEW JERSEY ADMINISTRATIVE  
CODE, N.J.A.C. 14:17-1 et seq. AND N.J.A.C. 14:18-1 et seq., AND CERTAIN PROVISIONS  
OF A BOARD ORDER

**OFFER OF SETTLEMENT**

Docket No. CO09010085

**WHEREAS**, Service Electric Cable TV of New Jersey, Inc. ("SEC" or the "Company") owns and operates a cable television system in New Jersey, pursuant to N.J.S.A. 48:5A-1 et seq.,

**WHEREAS**, SEC is subject to the jurisdiction of the Board of Public Utilities (the "Board") and the Office of Cable Television ("OCTV" or the "Office"), pursuant to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the "Act"), and the New Jersey Administrative Code, N.J.A.C. 14:17-1 et seq. and N.J.A.C. 14:18-1 et seq. (the "Regulations");

**WHEREAS**, New Jersey cable television companies are required to comply with the Act, the Regulations and Board Orders issued thereunder; and

**WHEREAS**, as the result of OCTV's compliance review of SEC, OCTV alleges that SEC has failed to comply with certain applicable regulations and Board Orders including:



1. SEC failed to provide the Office with adequate notice of changes or additions to rates and services by failing to file tariffs/schedule of rates, terms, and conditions with at least thirty (30) days notice prior to the effective date, pursuant to N.J.A.C. 14:17-6.16 and N.J.A.C. 14:18-3.3(b) and (c) for the years of 2004, 2005, 2006 and 2007.
2. SEC failed to provide customers with adequate information to assure they are served under the most advantageous schedule and demanded different compensation for its services, by failing to identify a sales tax provision for installations in the company's 2006 applicable schedule of rates, terms, and conditions, pursuant to N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3(b) and (d) and N.J.A.C. 14:18-3.4(d).
3. SEC failed to file with the Office in a timely manner monthly outage reports where service to customers was interrupted for at least two (2) hours and which affected fifty (50) or more customers, pursuant to N.J.A.C. 14:18-6.6(a)1 for February 2002 through September 2002, June 2003 through September 2003, July 2005, March 2006 through April 2006, July 2006 through October 2006, December 2006 through January 2007 and July 2007 through September 2007.
4. SEC failed to comply with prompt restoration standards concerning seven (7) outages in July 2003, pursuant to N.J.A.C. 14:18-3.13(a)1.
5. SEC failed to file or filed beyond the required timeframe financial statements for the local company and stockholder's report or the U.S. Securities and Exchange Commission Form 10-K with the Office, pursuant to N.J.A.C. 14:18-7.2, N.J.S.A. 48:5A-34(a), and N.J.S.A. 48:5A-44(c), in the years of 2003 and 2007.

6. SEC failed to file or filed beyond the required timeframe monthly municipal rebuild and upgrade progress reports with the Office, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4, for August 2003 through December 2003, February 2004, April 2004 through August 2004, October 2004 through November 2004 and January 2005.
7. SEC failed to file or filed beyond the required timeframe annual telephone system information reports with the Office, pursuant to N.J.A.C. 14:18-7.6(b), for the years of 1995 through 2003, 2005 and 2006.
8. SEC failed to file or filed beyond the required timeframe periodic telephone system performance reports with the Office, pursuant to N.J.A.C. 14:18-7.7(c), for January 1992, first quarter of 1994, fourth quarter of 1994, first quarter of 1995, third quarter of 1995, the second quarter of 1996 through the fourth quarter of 1997, the second quarter of 1998 through the fourth quarter of 1998, the second quarter of 1999 through the third quarter of 2000, second quarter of 2001, fourth quarter of 2001 and the fourth quarter of 2004.
9. SEC failed to comply with the FCC Customer Service Standards (thirty (30) second hold time), pursuant to 47 C.F.R. § 76.309(c) and N.J.A.C. 14:18-7.8(a)2 for the first quarter of 2004 through fourth quarter of 2005, the third through fourth quarter of 2006 and the second through third quarter of 2007.
10. SEC in 2004 loaned money to an affiliate through the use of an inter-company advance, without obtaining prior Board approval for the transaction, pursuant to N.J.S.A. 48:5A-41.
11. SEC failed to comply with the Board's Order granting a Certificate of Approval in Docket No. CE93110526, by failing to complete the minimum plant construction for the Township of Hope provided for in the Order within the timeframe allowed.

**WHEREAS**, SEC wishes to amicably resolve the issues raised by the OCTV without incurring the time and expense that would be associated with a formal proceeding.

**NOW, THEREFORE**, SEC submits this **OFFER OF SETTLEMENT** as follows:

1. SEC will pay to the State of New Jersey the sum of One Hundred Ten Thousand Dollars and XX/100 (\$110,000.00) in full settlement of the alleged violations enumerated above. Payment shall be made fifteen (15) days after the date on which a final Board Order accepting this Offer of Settlement is issued by the Board payable to "Treasurer, State of New Jersey" and delivered to the following address:

Joseph Potena, Chief Fiscal Officer  
Board of Public Utilities  
44 So. Clinton Ave., 7th Floor  
Trenton, New Jersey 08625

2. SEC shall construct aerial and underground plant in Hope Township to pass eighty-seven (87) homes as outlined on Exhibited "A" (attached) at an approximate cost of \$219,000. The necessary make-ready requests will be submitted to the appropriate utilities immediately upon Board approval of this **OFFER OF SETTLEMENT**. All construction necessary to complete this construction will be completed within one hundred twenty (120) days of the completion of make-ready and the issuance of approved pole permits;

3. SEC shall file monthly municipal construction progress reports with the Office for Hope Township, pursuant to N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4 until construction is completed. These progress reports shall utilize the form attached as Exhibit "B" and shall be addressed to the attention of the Director of the Office;

4. SEC recognizes its commitment to the Township of Hope, Frelinghuysen, Hardwick and Knowlton under its Regional Franchise and pledges to work with each of these communities to ensure that their concerns and needs are met in a rational and cost effective manner;
5. SEC shall file with the Office adequate notice of changes or additions to rates and services by filing tariffs/schedule of rates, terms, and conditions at least thirty (30) days prior to the effective date, as required by N.J.A.C. 14:17-6.16 and N.J.A.C. 14:18-3.3(b) and (c);
6. SEC shall maintain complete copies of its current schedule showing all prices, rates, terms, conditions of service and service packages and disclose same to customers as required by N.J.S.A. 48:5A-11(d), N.J.S.A. 48:5A-36(b), N.J.A.C. 14:18-3.3 (b) and (d) and N.J.A.C. 14:18-3.4(d);
7. SEC shall file with the Office its monthly outage reports where service to customers was interrupted for at least two (2) hours and which affected fifty (50) or more customers within the appropriate timeframe as required by N.J.A.C. 14:18-6.6(a)1;
8. SEC shall comply with prompt restoration standards concerning outages as required by N.J.A.C. 14:18-3.13(a)1;
9. SEC shall file with the Office its financial statements for the local company and stockholder's report or U.S. Securities and Exchange Commission Form 10-K, within the appropriate timeframe as required by N.J.A.C. 14:18-7.2, N.J.S.A. 48:5A-34(a) and N.J.S.A. 48:5A-44(c);
10. SEC shall file its monthly municipal rebuild and upgrade progress reports with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.2 and N.J.A.C. 14:18-7.4;

11. SEC shall file its annual telephone system information report with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.6(b);

12. SEC shall file its periodic telephone system performance reports with the Office within the appropriate timeframe as required by N.J.A.C. 14:18-7.7(c);

13. SEC's shall ensure its customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. § 76.309(c) and N.J.A.C. 14:18-7.8(a)2;

14. SEC shall obtain Board approval for any future inter-company advances or other loans of money or property as required by N.J.S.A. 48:5A-41; and

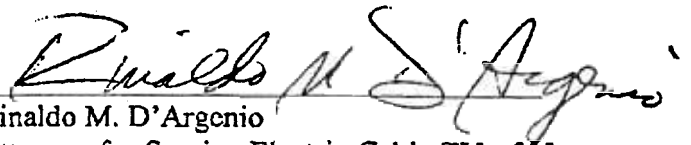
15. SEC shall comply with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

16. This **OFFER OF SETTLEMENT** resolves all issues regarding reporting compliance by SEC through September 30, 2008. This **OFFER OF SETTLEMENT** does not resolve any possible issues that occurred after September 30, 2008 that are not listed herein.

17. The execution of this **OFFER OF SETTLEMENT** shall not be deemed an admission by SEC of any violation of the Act or any provision of the Regulations that such violation occurred.

18. Any future alleged similar violation(s) of the Act, the Regulations or a Board Order by SEC shall be deemed to be a second, third or subsequent violation, as appropriate, pursuant to the provisions of N.J.S.A. 48:5A-51(b), for the purpose of determining the amount of any applicable penalty.

Service Electric Cable TV of New Jersey, Inc.

BY:   
Rinaldo M. D'Argenio  
Attorney for Service Electric Cable TV of New  
Jersey, Inc.

Dated: Feb. 6, 2009

## Exhibit "A"

## Breakdown of Plant Extension.

## Hope Township:

Birch Ridge Rd.

Far View Rd.

Hope Bridgeville Rd.

Total homes: 87

Aerial Plant Extension:

Coax Cable/Strand	25,865' (4.90 mi.)	\$83,000.00
Fiber	23,990 (4.54 mi.)	27,000.00
Flaggers (traffic safety)	( 4 weeks)	8,000.00
Pole make – ready	50 poles @ \$500.00 ea.	25,000.00

Total Aerial Plant Extension : \$143,000

Underground Plant Extension: (Birch Ridge Rd.)

1,882' Main Cable	\$30,000.00
2,910' House services (normal installs 100' or less)	46,000.00

Total Underground Plant Extension: \$76,000.00

State of New Jersey			
Office of Cable Television			
Municipal Rebuild/Upgrade Progress Report			
Company		Date of Report	
System		30 Day Report Period From:	
Municipality		To:	
Proposed Total		Proposed Total	
Aerial Miles To Be		Underground Miles To Be	
Rebuilt:	Upgraded:	Rebuilt:	Upgraded:
Number of Fiber Nodes:			
Aerial Milage	Monthly Progress	Previous Total	Total Progress To Date
Designed			
Stranded			
Cabled			
Electronic C/O			
Activated			
Fiber			
Subs on New System			
Wreckout			
Pole Rearrangements			
<b>Underground Milage</b>			
Designed			
Cabled			
Electronic C/O			
Activated			
Fiber			
Subs on New System			
Wreckout			
Commencement Date:			
Municipal Commitment Completion Date			
Actual or Estimated Completion Date			
Comments			
Report Prepared By:			