



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

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST OF)
NEW JERSEY II, LLC FOR A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR)
THE BOROUGH OF ROSELAND, COUNTY OF ESSEX,)
STATE OF NEW JERSEY)
AUTOMATIC RENEWAL)
CERTIFICATE OF)
APPROVAL)
DOCKET NO. CE11070424)

Parties of Record:

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

Thomas P. Kaczynski, Borough Clerk, Borough of Roseland, New Jersey, for the Borough

BY THE BOARD:

On July 8, 1976, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 761C-6144 for the construction, operation and maintenance of a cable television system in the Borough of Roseland ("Borough"). On May 11, 1987, the Board granted Suburban an Automatic Renewal Certificate of Approval for the Borough in Docket No, CE86060645. Through a series of transfers with required Board approvals, Comcast Cablevision of New Jersey, Inc. became the holder of the Certificate. On September 25, 1996, the Board granted Comcast Cablevision of New Jersey, Inc. a Renewal Certificate of Approval for the Borough in Docket No. CE96070507. Based on a name change, Comcast of New Jersey II, LLC ("Petitioner") is the current holder of the Certificate. Although by its terms the Petitioner's above referenced Certificate expired on July 8, 2011, 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 of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on October 5, 2010, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. The Borough did not hold a public hearing and on May 4, 2011, the Petitioner notified the Borough that it would file with the Board for an Automatic Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-19 and -25 and N.J.A.C. 14:18-13.6.

On July 15, 2011, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval, 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 May 21, 1996, for a term of 15 years with an automatic renewal for a term of an additional 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 Certificate of Approval.
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.
5. The Borough may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance, and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, but only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
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 and file with the Board an informational schedule 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 Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with applicable rules.
8. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the primary local business office serving this provision is located at 275 Prospect Avenue, West Orange, New Jersey. The Petitioner also currently maintains a local business office at 800 Rahway Avenue, Union, New Jersey.
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, and shall be increased as 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 service to any residence or business along any public right-of-way in the Borough at no cost beyond the standard and non-standard installation charges. No line extension policy ("LEP") is authorized for use in the Borough.¹
11. The Petitioner shall provide public, educational and governmental access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to maintain one dedicated governmental access channel and return line for the purpose of cablecasting non-commercial access programming by the Borough. The Petitioner shall also provide the Borough with the ability to view two of the three PEG access channels programmed by neighboring municipalities.
12. The Petitioner shall also maintain a system-wide public access channel for use by qualified individuals and organizations in the municipalities served by the Petitioner's system. The Petitioner maintains a mobile production vehicle for the purpose of producing non-commercial community access programming by the community.
13. The Petitioner shall continue to provide one standard installation and monthly expanded basic cable television service, free of charge, to ten outlets in each school in the Borough.
14. The Petitioner shall continue to provide one standard installation and expanded basic cable service, free of charge, to each police, fire and emergency management facility, public library; community center and municipally-owned building in the Borough.

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.; 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 that the Petitioner 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.

¹ The Application for Cable Television Franchise filed with the petition for Automatic Renewal Certificate of Approval contained an LEP for use in the Borough. The Borough's ordinance adopted on May 21, 1996 and the Renewal Certificate of Approval issued in September 25, 1996 did not authorize use of an LEP. On January 24, 2012, the Petitioner submitted a letter withdrawing its request to use an LEP in 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 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 July 8, 2021.

This Order shall be Effective on February 20, 2012.


DATED: 2/10/12

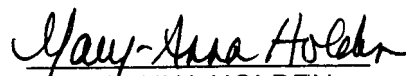
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

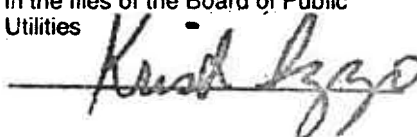

NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
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



SERVICE LIST

COMCAST OF NEW JERSEY II, LLC
RENEWAL CERTIFICATE OF APPROVAL
BOROUGH OF ROSELAND

DOCKET NO. CE11070424

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