



Agenda Date: 1/27/16  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3rd Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF )  
COMCAST OF PLAINFIELD, LLC FOR A )  
RENEWAL CERTIFICATE OF APPROVAL TO )  
CONTINUE TO CONSTRUCT, OPERATE AND )  
MAINTAIN A CABLE TELEVISION SYSTEM IN )  
AND FOR THE CITY OF PLAINFIELD, COUNTY )  
OF UNION, STATE OF NEW JERSEY ) DOCKET NO. CE15040497

**Parties of Record:**

**Dennis C. Linken, Esq.**, Scarinci Hollenbeck, LLC, for the Petitioner  
**Abubakar Jalloh, Clerk**, City of Plainfield, New Jersey

**BY THE BOARD:**

On August 3, 1979, the Board of Public Utilities ("Board") granted Plainfield Cablevision, Inc., a wholly owned subsidiary of Storer Cable Communications, Inc. a Certificate of Approval in Docket No. 795C-6470, for the construction, operation and maintenance of a cable television system in the City of Plainfield ("City"). Due to an internal corporate reorganization approved by the Board, the holder of the Certificate became Storer Cable Communications of the Plainfields, Inc. d/b/a Storer Cable Communications ("Storer Plainfield"). On April 13, 1989, the Board granted Storer Plainfield a Renewal Certificate of Approval for the City in Docket No. CE88121314. Due to a series of transfers with required Board approval, the current holder of the Certificate was Comcast Cablevision of the Plainfields, Inc. ("Comcast Plainfields"). On April 12, 2001, the Board granted Comcast Plainfields a Renewal Certificate of Approval for the City in Docket No. CE01010030. Based on a name change, the current holder of the Certificate is Comcast of Plainfield, LLC ("Petitioner"). On September 23, 2004, the Board approved an Order of Amendment of a Renewal Certificate of Approval to the Petitioner for the City, in Docket No. CE04080880. On April 11, 2012, the Board granted an Automatic Renewal Certificate of Approval to the Petitioner for the City in Docket No. CE09070571 and issued an Order of Amendment of a Renewal Certificate of Approval in Docket No. CE09110946. Although by its terms the Petitioner's above referenced Certificate expired on August 3, 2014, 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 of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the City on October 29, 2013, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. On February

9, 2015, the City, after a public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner. On March 23, 2015, the Petitioner formally accepted the terms and conditions of the ordinance. On April 30, 2015, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval. On October 13, 2015, the City amended its ordinance. On October 22, 2015, the Petitioner accepted the amended ordinance and on December 9, 2015, the Petitioner filed an amended petition to reflect the amended ordinance and its acceptance thereof.

The Board 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 of Approval. Further, the City reviewed these qualifications in conjunction with the municipal consent process. N.J.S.A. 48:5A-22 to -29; N.J.A.C. 14:18-13 et seq.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner represented that all previously required construction within the franchise territory is complete.
4. The franchise period, as provided in the ordinance, is 15 years. The Board finds this duration to be reasonable.
5. The City may review the performance of the Petitioner with regard to the ordinance at its discretion. If the City determines that the Petitioner failed to substantially comply with the material terms and conditions of the ordinance, the City 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 City 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 City. 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 for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at: 73 Rock Avenue, Plainfield, New Jersey.

9. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the City is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3(x), derived from cable television charges or fees paid by subscribers for its cable television service in the City. 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 Primary Service Area at no cost beyond standard and non-standard installation charges as set forth in the Petitioner's application. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to provide and maintain a dedicated local access channel for use by the City for the purpose of cablecasting non-commercial access programming. The Petitioner shall continue to make available a mobile production vehicle unit with cameras, recording and editing equipment for the community for the purpose of community access programming production. Periodically, the Petitioner shall provide training for potential access users and groups.
12. Within one year of written request by the City, the Petitioner shall make available a dedicated educational access channel and return line for the purpose of cablecasting non-commercial educational access programming. Within one year of activation of the educational access channel and return line, the Petitioner shall provide a second return line for the educational access channel. The locations of the return lines shall be located within 200 feet of the Petitioner's active cable distribution plant.
13. Within six months of issuance of this Certificate, the Petitioner shall pay the Township an access-related technology grant in the amount of \$100,000.00. Upon payment, the Petitioner shall provide the Office of Cable Television with proof of satisfaction of this obligation.
14. Each May 1<sup>st</sup> throughout the franchise term, the Petitioner shall pay to the City an additional \$5,000.00, for a total of \$75,000.00, for the support of cable-related or communications programs, or needs otherwise determined by the City. Upon payment of each portion, the Petitioner shall provide the Office of Cable Television with proof of satisfaction of this obligation.
15. The Petitioner shall provide standard installation and basic cable television service, free of charge, on one outlet to each school in the City, public and private, elementary, intermediate and secondary, including state approved charter schools. To qualify for free installation, the facility must be within 200 feet of the Petitioner's active cable television plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting the

installation. Monthly service charges, except for equipment, shall be waived on all additional outlets.

16. The Petitioner shall provide one standard installation and basic cable television service, free of charge, to the following locations in the City: each police, fire, emergency management facility and public library, City Hall, City Hall Annex, public works main facility, and municipal community centers. To qualify for free installation, the facility must be within 200 feet of the Petitioner's active cable television plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the City. Monthly service charges, except for equipment, shall be waived on all additional outlets.
17. The Petitioner shall continue to provide to one non-networked personal computer basic Internet service, via high speed cable modem, free of charge, to each school in the City, public and private, elementary, intermediate or secondary. To qualify for free installation, the facility must be within 200 feet of the Petitioner's active cable television plant.
18. Upon reasonable written request of the City, the Petitioner's representatives shall appear at least once annually, at a public hearing of the Mayor and Council, or before the City's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable television service to residents of the City and other related issues as the City and the Petitioner may see fit.

Based upon these findings, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Board **HEREBY CONCLUDES**, as follows: the Petitioner has the municipal consent necessary to support the petition, such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq.; the Petitioner 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; 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 Renewal Certificate of Approval as evidence of Petitioner's authority to construct, own, operate, and maintain 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 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.

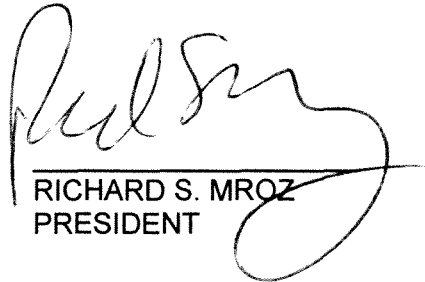
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein shall be adhered to and enforceable unless a specific waiver is granted by the Office of Cable Television pursuant to the authority contained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


This Certificate shall expire on August 3, 2029.

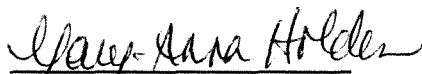
This Order shall be effective on February 6, 2016.

DATED: Jan 28, 2016


BOARD OF PUBLIC UTILITIES  
BY:

  
RICHARD S. MROZ  
PRESIDENT

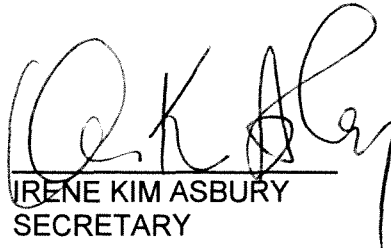
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

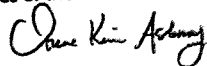
  
DIANNE SOLOMON  
COMMISSIONER

  
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:

  
IRENE KIM ASBURY  
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

COMCAST OF PLAINFIELD, LLC  
CITY OF PLAINFIELD

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><br>mileage of extension   | = | homes per mile (HPM) of<br>extension  |
| 2. <u>HPM of extension</u><br>Minimum HPM that<br>company actually<br>constructs in the<br>system * | = | ratio of the density of<br>the extension to the<br>minimum density which the<br>company constructs in the<br>system ("A") |
| 3. Total cost of building<br>the extension times "A"  | = | company's share of<br>extension cost  |
| 4. Total cost of building<br>extension less company's<br>share of extension cost                    | = | total amount to be<br>recovered from<br>subscribers   |
| 5. Total amount to be<br><u>recovered from subs</u><br>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 that 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.



IN THE MATTER OF THE PETITION OF COMCAST OF PLAINFIELD, LLC FOR A RENEWAL  
CERTIFICATE OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN  
A CABLE TELEVISION SYSTEM IN AND FOR THE CITY OF PLAINFIELD, COUNTY OF  
UNION, STATE OF NEW JERSEY  
DOCKET NO. CE15040497

SERVICE LIST

Dennis C. Linken, Esq.  
Scarinci Hollenbeck  
Post Office Box 790  
Lyndhurst, NJ 07071-0790  
[dlinken@scarincihollenbeck.com](mailto:dlinken@scarincihollenbeck.com)

Abubakar Jalloh  
City Clerk  
City of Plainfield  
515 Watchung Avenue  
Plainfield, NJ 07061  
[ajalloh.clerk@plainfield.com](mailto:ajalloh.clerk@plainfield.com)

Charles L. Smith, III, Senior Director  
Government and Regulatory Affairs  
Comcast  
800 Rahway Avenue  
Union, NJ 07083  
[charles\\_smith4@cable.comcast.com](mailto:charles_smith4@cable.comcast.com)

Patricia A. Krogman  
Deputy Attorney General  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[patricia.krogman@dol.lps.state.nj.us](mailto:patricia.krogman@dol.lps.state.nj.us)

Lawanda R. Gilbert, Esq., Director  
Board of Public Utilities  
Office of Cable Television &  
Telecommunications  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[lawanda.gilbert@bpu.state.nj.us](mailto:lawanda.gilbert@bpu.state.nj.us)

Karen A. Marlowe  
Administrative Analyst I  
Board of Public Utilities  
Office of Cable Television &  
Telecommunications  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[karen.marlowe@bpu.state.nj.us](mailto:karen.marlowe@bpu.state.nj.us)