



Agenda Date: 6/30/17
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/

OFFICE OF CABLE TELEVISION & TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF)
COMCAST OF NEW JERSEY, LLC, FOR A)
RENEWAL CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN)
AND FOR THE TOWNSHIP OF BERKELEY,)
COUNTY OF OCEAN, STATE OF NEW JERSEY)
AUTOMATIC RENEWAL)
CERTIFICATE OF APPROVAL)
DOCKET NO. CE12100934)

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, for the Petitioner
Beverly Carle, Clerk, Township of Berkeley, New Jersey

BY THE BOARD:

On November 7, 1973, the Board of Public Utilities ("Board") granted Clear Television Cable Corporation ("Clear TV") a Certificate of Approval in Docket No. 735C-5007 for the construction, operation and maintenance of a cable television system for certain areas of the Township of Berkeley ("Township"). On May 29, 1974, under the same Docket No. 735C-5007, the Board granted a supplemental Certificate of Approval to Clear TV for the remainder of the Township, with the exception of South Seaside Park and Pelican Island areas of the Township, which are served by Cablevision of Monmouth, LLC. On October 15, 1982, the Board granted Clear TV a Renewal Certificate of Approval for the Township, in Docket No. 796C-6493. Due to a series of Board approved transfers, the Certificate of Approval was held by Clear Cablevision, Inc. d/b/a Adelpia Cable Communications ("Clear d/b/a Adelpia"). On April 16, 1998, the Board granted Clear d/b/a Adelpia a Renewal Certificate of Approval for the Township, in Docket No. CE97110825. Due to an additional Board approved transfer, the current holder of the Certificate is Comcast of New Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on October 15, 2012, 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.

On August 15, 2012, the Petitioner notified the Township of its intention to exercise its right under the automatic renewal provision of the Township's municipal consent and the Renewal

Certificate of Approval. On October 11, 2012, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the Township, 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 Township's ordinance granting municipal consent to the Petitioner's predecessor provided for a term of 15 years with an automatic renewal for a term of an additional 10 years.

The Petition for Automatic Renewal is based on the October 14, 1997 ordinance the Township adopted granting municipal consent to the Petitioner's predecessor. On October 24, 1997, the Petitioner's predecessor accepted the ordinance which provided in part, for an automatic renewal term of 10 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. 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 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 10 years pursuant to N.J.S.A. 48:5A-19 and -25. The Board finds this franchise period reasonable.
5. The Petitioner shall provide service to any person's residence or business in the Primary Service Area at standard and non-standard installation rates. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy attached to the Certificate as Appendix "I". The minimum homes per mile figure is 35.
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, informational schedules 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 Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with any applicable rules.
8. The Petitioner shall maintain a local business office or agent within a reasonable proximity to the Township for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains local offices at: 1256 Hooper Avenue, Toms River, New Jersey and at 505 N. Main Street, Manahawkin, 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 or any additional amount 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 public, educational, and governmental ("PEG") access equipment and facilities as described in the application and the ordinance. The Petitioner shall continue to provide one channel for educational access and one channel for governmental access. The Petitioner shall also maintain a local origination channel and provides both studio and portable video equipment for the Township's use.
11. The Petitioner shall continue to provide two way communications to the municipal building and to maintain the equipment from the modulator to the headend.
12. The Petitioner shall continue to provide installation and monthly cable television service, at no cost, to all public school buildings and municipal buildings in the Township including: the public library, all first aid buildings, the Law Enforcement Center, the Public Works Building, the Recreation Workshop Building, the Recreation Center on Route 9, the Superintendent's Office in the Cedar Creek Golf Course¹, the Community Center on First Avenue and the Head Start Building on Third Avenue.
13. The Petitioner shall continue to provide an Institutional Network including all necessary wiring in order to interconnect all the public schools in the Township.

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 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 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 Township except the barrier island portion of the Township known as South Seaside Park, including the Pelican Island Portion of the Township. The Barrier island portion of the Township is provided service by Cablevision of Monmouth, LLC, under Docket No. CE05070597.

¹ The Board approved the provision of free service to the Superintendent's office in the Cedar Creek Golf course as it is a municipal service facility and it provides a valuable public safety and public information source, in Docket No. CE97110825.

This Automatic 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 Certificate.

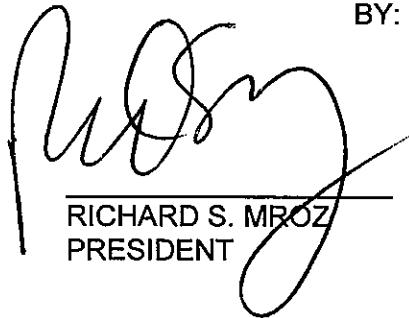
This Automatic Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the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

This Certificate shall expire October 15, 2022.

This Order shall be effective on July 10, 2017.

DATED: 6/30/17

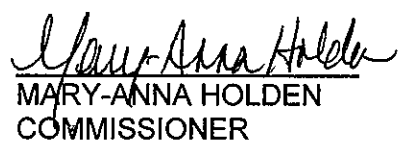
BOARD OF PUBLIC UTILITIES
BY:



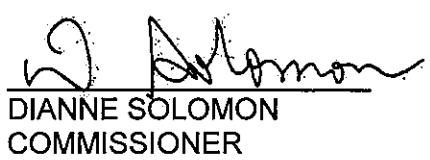
RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

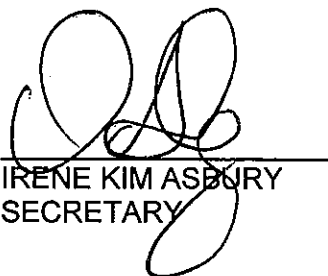


DIANNE SOLOMON
COMMISSIONER



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
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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.

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DOCKET NO. CE12100934

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