



Agenda Date: 8/23/17
Agenda Item: IIIB

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 GARDEN STATE, L.P. FOR A) RENEWAL CERTIFICATE
RENEWAL CERTIFICATE OF APPROVAL TO) OF APPROVAL
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN)
AND FOR THE BOROUGH OF HADDONFIELD,)
AND THE BOROUGH OF TAVISTOCK, COUNTY)
OF CAMDEN, STATE OF NEW JERSEY) DOCKET NO. CE15030379

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, for the Petitioner
Deanna Bennett, Clerk, Borough of Haddonfield, New Jersey
Denise Moules, Clerk, Borough of Tavistock, New Jersey

BY THE BOARD:

On June 30, 1978, the Board of Public Utilities ("Board") granted Cable Systems, Inc. a Certificate of Approval in Docket No. 781C-6350 for the construction, operation and maintenance of a cable television system in the Borough of Haddonfield ("Haddonfield"). Due to a series of Board approved transfers, the Certificate was held by Garden State Cablevision, L.P. ("Garden State"). On August 27, 1997, the Board issued a Renewal Certificate of Approval to Garden State for Haddonfield in Docket No. CE95080371 for Haddonfield. In that order, the Board extended Garden State's authorization to provide service to the Borough of Tavistock ("Tavistock") based on N.J.S.A. 48:5A-17(b) and 22. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Garden State, L.P. ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on August 27, 2012, the Petitioner is authorized to continue to provide cable television service to the Boroughs pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate.

The Petitioner filed an application for the renewal of its municipal consent with Haddonfield on November 23, 2011, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. Haddonfield, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on December 16, 2014. The Petitioner formally accepted the terms and

conditions of the ordinance on January 23, 2015. On March 25, 2015, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for Haddonfield and requested that the Board's authorization for Tavistock be continued under the Certificate of Approval. The Petitioner filed for Renewal of the Certificate of Approval for Tavistock without an underlying municipal consent ordinance on regionalization grounds in accordance with N.J.S.A. 48:5A-17(b).

The Board has reviewed the application for municipal consent for Haddonfield, the petition for a Renewal Certificate of Approval for Haddonfield and Tavistock and the municipal consent ordinance for Haddonfield. 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, these qualifications were reviewed by Haddonfield in conjunction with the municipal consent process.
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 for Haddonfield and Tavistock is 15 years, with an automatic renewal provision for a term of ten years thereafter in conformance with N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25. The Board finds these franchise periods reasonable.
5. Haddonfield has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that Haddonfield shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, Haddonfield shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47; provided, however, that Haddonfield 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 provide service to all residential areas at standard and non-standard installation charges. All commercial areas shall be constructed on a cost basis pursuant to the Petitioner's tariff.
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 and file with the Board, 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 Haddonfield. 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. Currently the local office is located at 941 Haddonfield Road, Cherry Hill, New Jersey.¹
10. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to Haddonfield 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 municipality. No later than October 8, 2017, the franchise fee to be paid to Tavistock shall increase to 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 municipality. 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.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access equipment and facilities as described in the application. The Petitioner shall continue to provide one educational and governmental ("EG") access channel for use by Haddonfield for airing EG access programming and bulletin board information. Currently all requests are forwarded to the Haddonfield Board of Education, which maintains the channel. The Petitioner also maintains a system-wide community bulletin board.
12. Within six months of the issuance of this Certificate, the Petitioner shall provide Haddonfield with a one-time technology grant of \$20,000.00 to help meet the technology and/or cable related needs of Haddonfield. Upon payment, the Petitioner shall submit proof of satisfaction of this provision to the Office of Cable Television.
13. The Petitioner shall provide installation and Expanded Basic or a similar tier of cable television service, on one outlet, free of charge, to each qualified existing and future police, fire, emergency management facility and public library in Haddonfield. In order to qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. Haddonfield shall pay for each additional outlet installed to any of the above facilities on a materials plus labor basis.
14. The Petitioner shall provide or continue to provide Expanded Basic or similar tier of cable television service, on one outlet, free of charge, to each qualified existing and future school in Haddonfield, public and private, elementary, intermediate and secondary, provided the school is located within 175 feet of active cable distribution plant. Each additional outlet installed shall be paid for on a materials plus labor basis by the school requesting service.
15. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future school in Haddonfield, public and private, elementary, intermediate and secondary, provided

¹ On August 31, 2016, the Petitioner provided notice of its local office closure at 1490 Berlin Road, Cherry Hill, New Jersey on or about October 1, 2016, and relocation to the Haddonfield Road location, in Cherry Hill, consistent with N.J.A.C. 14:18-5.1(d).

the school is located within 175 feet of active cable distribution plant. To qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to students, and shall not be used for administrative purposes only.

16. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public library in Haddonfield. To qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to library patrons, and shall not be used for administrative purposes only.

The Board **FURTHER FINDS:**

1. No public rights of way are utilized by the Petitioner's system in Tavistock, therefore no municipal consent is necessary.²
2. The granting of this Certificate will in no way impair or interfere with other cable operators, or any other municipal consents.
3. The two municipalities are well-suited geographically and technically to be part of the system and the existing community of interest.
4. The cost of service, quality of service, and economic impacts are negligible due to the small number of homes involved.

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 where 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 Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of Haddonfield and Tavistock.

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

² As the Tavistock cable system utilizes private easements and private streets to pass community residences, no municipal consent ordinance is required pursuant to N.J.S.A. 48:5A-22 and no line extension policy is necessary. However, if Tavistock intends to sell vacant land for development or develop publically-dedicated streets, municipal consent would be required.

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.

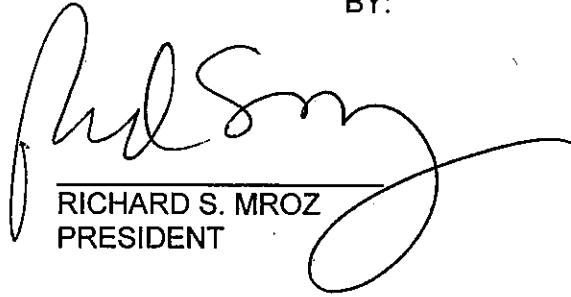
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority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

This Certificate shall expire on August 27, 2027.

This Order shall be effective on September 2, 2017.

DATED: 8/23/17

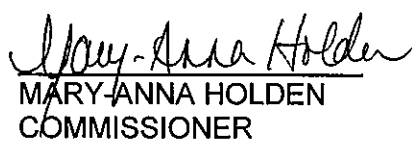
BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER



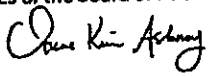
DIANNE SOLOMON
COMMISSIONER



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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