



Agenda Date: 6/10/20
Agenda Item: IIIA

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

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF)
COMCAST OF SOUTHEAST PENNSYLVANIA,)
LLC FOR A RENEWAL CERTIFICATE OF)
APPROVAL TO CONTINUE TO CONSTRUCT,)
OPERATE AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN AND FOR THE TOWNSHIP OF)
HOPEWELL, COUNTY OF MERCER, STATE OF)
NEW JERSEY) DOCKET NO. CE19020215

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, on behalf of Comcast of New Jersey II, LLC
Laurie Gompf, Clerk, Township of Hopewell, New Jersey

BY THE BOARD:

On October 30, 1987, the Board granted RCH Communications of Hopewell Valley, Inc. ("RCH") a Certificate of Approval in Docket No. CE86060649 for the construction, operation and maintenance of a cable television system in the Township of Hopewell ("Township"). On June 24, 1991, in Docket No. CM91020218, the Board approved the transfer of RCH assets, including the Certificate of Approval for the Township, to Suburban Cable TV Company Inc. ("Suburban"), a wholly-owned subsidiary of Lenfest Communications ("Lenfest"). On January 6, 2000, the Board approved Lenfest's acquisition as becoming a wholly-owned indirect subsidiary of Comcast Corporation in Docket No. CM99110855. On September 13, 2000, Lenfest's name was officially changed to Comcast Cablevision of Southeast Pennsylvania, Inc. On September 9, 2003, notice was provided to the Board that it would now be known as Comcast of Southeast Pennsylvania, Inc. ("Comcast SE"). On April 6, 2005, the Board granted Comcast SE a Renewal Certificate of Approval for the Township, in Docket No. CE04060425. Based on a name change, the current holder of the Certificate is Comcast of Southeast Pennsylvania, LLC. ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on October 30, 2017, the Petitioner 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.

The Petitioner filed an application for the renewal of its municipal consent with the Township on January 31, 2017, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. The Township, after public hearing, adopted an ordinance granting renewal of municipal consent to the Petitioner on September 24, 2018. The Petitioner formally accepted the terms and conditions of the ordinance on October 11, 2018. On February 14, 2019, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township.

The Board has reviewed the application for municipal consent, the municipal consent ordinance, and the petition for a Renewal Certificate of Approval. Based upon this review and the recommendation of the Office of Cable Television and Telecommunications, 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 the Township 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 as stated in the ordinance is ten (10) years, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Township has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Township shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Township shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47, provided, however, that the Township shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure the same within ninety (90) days of that notification. If, after such reasonable notice and opportunity to cure, the Petitioner has not cured any such findings of non-compliance, the Township may petition the Board for appropriate administrative action, including modification and/or termination of the Certificate of Approval.
6. 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. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I") for any extension outside of the Primary Service Area. The minimum homes per mile ("HPM") figure is 25.
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 and Telecommunications. The Petitioner shall maintain informational tariffs for unregulated service rates 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 the Township. In this case, it is the Office of Cable Television and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.
9. During the term of this franchise, and any renewal thereof, the Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating, and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. The Petitioner currently maintains a local office located at: 3371 US Route 1, Lawrenceville, New Jersey.¹
10. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Township 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 Township. 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 channels and facilities in accordance with its renewal application and the ordinance. The Petitioner shall continue to provide the Township with one governmental access channel and one shared educational access channel, which shall both be on the basic tier of service offered by the Petitioner. The government access channel is managed by the Township. Hopewell Valley Regional High School has been designated by the Township as the administrator of the educational access channel.
12. The Petitioner will maintain the cable, modulators and equipment necessary for the Township to send a signal to the Petitioner and to receive the return feed of the signal. The Petitioner will maintain the cable, modulators and equipment necessary for the Hopewell Valley Regional High School to send a signal to the Petitioner and receive the return feed of the signal. Shared use of the educational access channel shall be governed by mutual agreements among the Boroughs of Hopewell and Pennington, the Township and the Hopewell Valley Regional High School.
13. The Petitioner shall provide standard installation and Expanded Basic or a similar tier of cable television service, free of charge, on one outlet to each qualified existing and future school, public and private elementary, intermediate and secondary school in the Township. To qualify for free installation, the school must be within 200 feet of the Petitioner's active cable television plant. The above provision includes service to the following: Bear Tavern Elementary School located at 1162 Bear Tavern Road, Titusville section of the Township; Stony Brook Elementary School located at 20 Stephenson Road in Pennington; Timberlane Middle School located at 51 S. Timberlane Drive in Pennington; and Hopewell Valley Central High School located at 259 Pennington-Titusville Road in Pennington. Each additional outlet installed, if

¹ Comcast of Southeast Pennsylvania, LLC's designated local office was located at 30 Coryell Street, Lambertville, New Jersey, pursuant to by NJSA 48:5A-26. On March 30, 2016 Comcast filed a notice with the Secretary of the Board that it would be closing several offices, including the Lambertville office, located in Hunterdon County and the new location would be 3371 US Route 1, Lawrence Township, New Jersey.

any, shall be paid for on a materials plus labor basis by the school requesting the installation.

14. The Petitioner shall provide standard installation and Expanded Basic or a similar tier of cable television service, free of charge, on one outlet to every Township building located at 201 Washington Crossing Pennington Road in the Township including: the main Municipal Building; Police Station; Municipal Court; the Department of Public Works located at 203 Washington Crossing Road; the Union Fire and Rescue located at 1396 Rover Road; and each qualified existing and future municipal building, police, fire or emergency management facility located in the Township. 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 municipality.

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 to 64; 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, and 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 the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television and Telecommunications, 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 Telecommunications and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

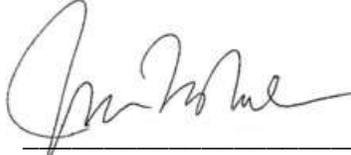
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A-1 to 64.

This Certificate shall expire on October 30, 2027.

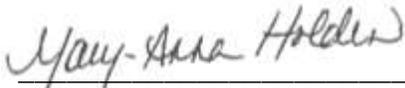
This Order shall be effective on June 20, 2020.

DATED: June 10, 2020

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER

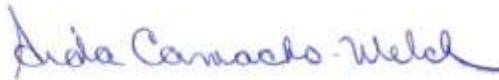


UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

APPENDIX "I"
Office of Cable Television and Telecommunications
Line Extension Policy

Company: Comcast of Southeast Pennsylvania, LLC
Municipality: Township of Hopewell

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. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}}$ = homes per mile ("HPM") of extension
2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system*}}$ = ratio of the density of the extension to the minimum density that the company constructs in the system ("A")
3. Total cost of building the extension times "A" = company's share of extension cost
4. Total cost of building extension less company's share of extension cost = total amount to be recovered from subscribers
5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$ = 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 breakeven 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 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 thirty (30) days of such a request.
2. Begin construction within sixty (60) days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six (6) 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 (5) years from the installation of the first dwelling unit in the extension, no further adjustments shall be made. Installations after five (5) 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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OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE TOWNSHIP
OF HOPEWELL, COUNTY OF MERCER, STATE OF NEW JERSEY

DOCKET NO.CE19020215

SERVICE LIST

Dennis C. Linken, Esq.
Scarinci Hollenbeck, LLC
Post Office Box 790
Lyndhurst, NJ 07071-0790
dlinken@sh-law.com

Laurie Gompf
Township Clerk
Township of Hopewell
201 Washington Crossing-Pennington Road
Titusville, NJ 08560
lgompf@hopewelltpw.org

Fred DeAndrea
Director
Government and Regulatory Affairs
Comcast
1191 Fries Mill Road
Franklinville, NJ 08322
fred_deandrea@comcast.com

Meliha Arnautovic
Deputy Attorney General
Department of Law & Public Safety
Division of Law
25 Market Street
Post Office Box 116
Trenton, NJ 08625
Meliha.Arnautovic@law.njoag.gov

Board of Public Utilities
44 South Clinton Avenue, 9th Fl
Post Office Box 350
Trenton, NJ 08625-0350

Lawanda R. Gilbert, Esq., Director
Office of Cable Television and
Telecommunications
lawanda.gilbert@bpu.nj.gov

Nancy J. Wolf
Administrative Analyst 4
Office of Cable Television and
Telecommunications
nancy.wolf@bpu.nj.gov

Carol Artale, Esq.
Deputy General Counsel
carol.artale@bpu.nj.gov

Lanhi Saldana, Esq.
Counsel's Office
lanhi.saldana@bpu.nj.gov