



Agenda Date: 7/12/23  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

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 BOROUGH )  
OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, )  
STATE OF NEW JERSEY ) DOCKET NO. CE20060385

**Parties of Record:**

**Dennis C. Linken, Esq.**, Scarinci Hollenbeck, LLC, on behalf of Comcast of Plainfield, LLC.  
**Amy L. Antonides**, Clerk, Borough of South Plainfield, New Jersey

BY THE BOARD:<sup>1</sup>

On January 17, 1980, the New Jersey Board of Public Utilities (“Board”) granted Plainfield Cablevision, Inc. a Certificate of Approval (“Certificate”) in Docket No. 797C-6506, for the construction, operation and maintenance of a cable television system in the Borough of South Plainfield (“Borough”). Through a series of transfers with the required Board approvals, Storer Cable Communications of the Plainfields, Inc. (“Storer”) became the holder of the Certificate. On June 26, 1989, the Board granted Storer a Renewal Certificate of Approval (“Renewal Certificate”) in Docket No. CE88111226. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Plainfield, LLC (“Petitioner”). On August 18, 2005, the Board issued a Renewal Certificate to the Petitioner in Docket No. CE05060556.<sup>2</sup> Although the Petitioner’s Renewal Certificate expired on January 17, 2020, it 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 Renewal Certificate.

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<sup>1</sup> Commissioner Marian Abdou did not participate.

<sup>2</sup> In Docket Nos. CM8806717, CM88080942 and CM92080843, the Board approved several transfers, which resulted in Comcast Cablevision of Plainfield d/b/a Comcast Cablevision being the final entity holding the certificate of Approval.

On December 5, 2019, the Petitioner notified the Borough of its intention to exercise its right under the automatic renewal provision of the Borough's municipal consent and the Renewal Certificate. On June 2, 2020, the Petitioner filed with the Board for Automatic Renewal of its Renewal Certificate for the Borough, 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 ("Petition").

The Petition is based on the Borough's ordinance adopted on May 17, 2005, granting renewal municipal consent to the Petitioner. The Petition indicates that the Borough's ordinance granting municipal consent to the Petitioner provided for an initial term of 15 years with an automatic renewal term of 10 years. The Petitioner accepted the ordinance on May 24, 2005.

### **DISCUSSION AND FINDINGS**

The Board has reviewed the Petition and the application filed therein by the Petitioner. 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 Renewal Certificate, pursuant to N.J.S.A. 48:5A-22 to 29, N.J.A.C. 14:18-13.1 to .9.
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 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 deficiencies. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiencies have not been cured.
6. The Petitioner shall maintain 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 and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 2345 US Route 22, Union, New Jersey, 899 St. Georges Avenue, Woodbridge, New Jersey and 755 State Route 18 Brunswick Square Mall, East

Brunswick, New Jersey.

9. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough 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 Borough. 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 along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy attached to the Certificate ("Appendix I"). The minimum homes per mile is 35.
11. The Petitioner shall provide public, educational and governmental access channels and facilities in accordance with its application and the ordinance. Specifically, the Petitioner shall continue to provide residents with the system-wide public access channel maintained by the Petitioner. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Petitioner's published public access rules. The Petitioner shall provide programming time for three (3) evening hours, two (2) days a week, and three (3) additional daytime hours per week for municipal programming. Additional access channel programming shall be provided when the current schedule is programmed with non-duplicative video programming for six (6) months.
12. The Petitioner shall videotape the Borough's annual Labor Day Parade and fireworks display.
13. The Borough and its residents may use the Petitioner's fully equipped and operational local production studios in Union Township for the creation of local and access programming.
14. The Petitioner shall provide or continue to provide standard installation and basic cable television service to one (1) outlet, free of charge, to each public and private elementary and secondary school in the Borough. The Petitioner shall also provide a high level tap to provide adequate signal level for multiple outlets at South Plainfield High School and South Plainfield Middle School, provided that each facility is within 200 feet of activated cable distribution plant.
15. The Petitioner shall provide or continue to provide the standard installation and basic cable service to one (1) outlet, free of charge, to the following locations in the Borough: Borough Hall, police department and municipal court, fire department, rescue squad, Emergency Management Office, department of public works building; and the public library/senior center, provided that each facility is within 200 feet of activated cable distribution plant.
16. The Petitioner shall provide free basic Internet service, via high-speed cable modem to one (1) non-networked personal computer at all public and private elementary and secondary schools in the district and the Borough public library, provided that each facility is within 200 feet of activated cable distribution plant. The Internet connection

shall be installed on a computer that is accessible for student and library patron use and may not be installed on a computer that is reserved for administrative use.

17. The Petitioner shall provide free basic Internet installation of a high-speed cable modem, free of charge, to one (1) non-networked personal computer at the following locations in the Borough: Borough Hall, police department and municipal court, fire department, rescue squad, Emergency Management Office and department of public works building, provided that each facility is within 200 feet of activated cable distribution plant.

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. Furthermore, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 to -64 and 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. The Board also **FINDS** that the Petitioner has sufficient financial and technical capacity; that the Petitioner 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 the Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Automatic Renewal Certificate of Approval 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 of Approval.

Failure to comply with all applicable laws, rules, regulations, and orders of the Board or the Office of Cable Television and Telecommunications or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

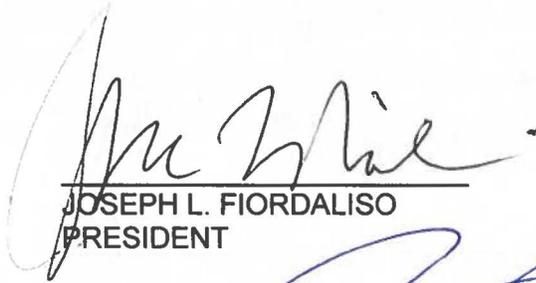
The Board **HEREBY ORDERS** the Automatic Renewal Certificate of Approval be issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office 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 January 17, 2030.

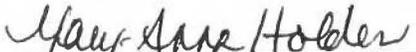
This Order shall be effective on July 19, 2023.

DATED: July 12, 2023

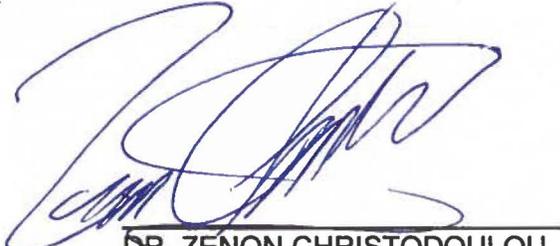
BOARD OF PUBLIC UTILITIES  
BY:



JOSEPH L. FIORDALISO  
PRESIDENT



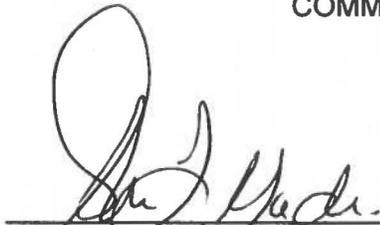
MARY-ANNA HOLDEN  
COMMISSIONER



DR. ZENON CHRISTODOULOU  
COMMISSIONER



CHRISTINE GUHL-SADOVY  
COMMISSIONER

ATTEST:   
SHERRIL L. GOLDEN  
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 and Telecommunications**  
**Line Extension Policy**

Company: Comcast of Plainfield, LLC  
Municipality: Borough of South 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.  $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile ("HPM") of extension}$
2.  $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system*}} = \text{ratio of the density of the extension to the minimum density that the company constructs in the system ("A")}$
3.  $\text{Total cost of building the extension times "A"} = \text{company's share of extension cost}$
4.  $\text{Total cost of building extension less company's share of extension cost} = \text{total amount to be recovered from subscribers}$
5.  $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

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.

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\* 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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COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

DOCKET NO. CE20060385

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