



Agenda Date: 9/25/24  
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 GARDEN STATE L.P., FOR A RENEWAL )  
CERTIFICATE OF APPROVAL TO CONTINUE TO )  
CONSTRUCT, OPERATE AND MAINTAIN A CABLE )  
TELEVISION SYSTEM IN AND FOR THE )  
BOROUGH OF BELLMAWR, COUNTY OF )  
CAMDEN, STATE OF NEW JERSEY ) DOCKET NO. CE22120746

**Parties of Record:**

**Stan Barrett, Esq.**, Scarinci Hollenbeck, LLC, on behalf of Comcast of Garden State, L.P.  
**Francine M. Wright-Straub, Clerk**, Borough of Bellmawr, New Jersey

**BY THE BOARD:**

On November 23, 1977, the New Jersey Board of Public Utilities ("Board") granted Cable Systems, Inc. a Certificate of Approval ("Certificate") in Docket No. 776C-6284 for the construction, operation and maintenance of a cable television system in the Borough of Bellmawr ("Borough"). Due to a series of Board approved transfers, the Certificate was held by Garden State Cablevision, L.P. ("Garden State"), and on November 7, 1994, the Board issued a Renewal Certificate of Approval ("Renewal Certificate") to Garden State in Docket No. CE93020061. Subsequently on April 17, 1998, the Board issued an Amendment to the Renewal Certificate in Docket No. CE96080595. 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"). On January 29, 2009, the Board issued a Renewal Certificate to the Petitioner in Docket No. CE08080633. Although the Petitioner's Renewal Certificate expired on November 23, 2022, 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.

On October 23, 2022, 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. No objections were received from the Borough. On December 23, 2022, the Petitioner filed with the Board for Automatic Renewal of its Renewal Certificate for the Borough, pursuant to N.J.S.A. 48:5A-15, 16, 17, 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 June 26, 2008, granting renewal municipal consent to the Petitioner. The Petitioner accepted the ordinance on July 1, 2008, which provided for an initial term of fifteen (15) years with an automatic renewal term of ten (10) years.

### **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 an Automatic Renewal Certificate, pursuant to N.J.S.A. 48:5A-22 to 29, N.J.A.C. 14:18-13.1 to 13.9.
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 ten (10) years, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Borough has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Borough shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Borough 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 Borough 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.
6. The Petitioner shall provide service to any residence or business along any public right-of-way in the primary service area, as set forth in the Petitioner's application, which states that the Petitioner shall provide service along any public right-of-way to all residential areas located in the franchise territory at no charge beyond tariffed standard and non-standard installation charges. Commercial areas which are not serviced and residential units located in those areas will be installed at tariffed rates.
7. The Petitioner shall maintain an informational schedule 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 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.
9. 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 941 Haddonfield Road, Cherry Hill, New Jersey.

10. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be three and one-half percent (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 two percent (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 an educational and governmental access channel for use by the Borough and its designees for the purpose of cablecasting non-commercial public, educational and governmental programming. Currently, the channel is operated and maintained by the Black Horse Pike Regional High School.
12. The Petitioner shall provide Total Preferred cable television service, on one (1) outlet, free of charge to each school in the Borough, public and private, elementary, intermediate and secondary. In order to qualify for free installation, the school must be located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. The Petitioner shall waive monthly service charges for any such additional outlets.
13. The Petitioner shall provide Total Preferred cable television service or its equivalent, on one (1) outlet, free of charge, to each of the following municipal buildings: a) police; b) fire; c) emergency management facility; and d) public library in the Borough. In order to qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. The Borough shall pay for each additional outlet installed to any of the above facilities on a materials plus labor basis, however, the Petitioner shall waive monthly service charges for any such additional outlets.
14. The Petitioner shall provide a non-standard installation of Total Preferred cable television service to the Borough's recreation facility on Bell Road at the cost of the Petitioner.

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.

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.

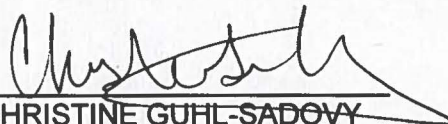
The Board **HEREBY ORDERS** the Automatic Renewal Certificate of Approval be issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office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

This Certificate shall expire November 23, 2032

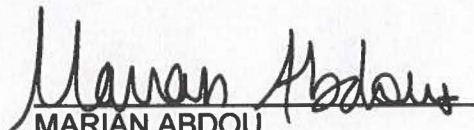
This Order shall be effective on October 2, 2024.

DATED: September 25, 2024

BOARD OF PUBLIC UTILITIES  
BY:

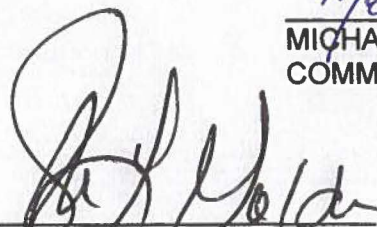
  
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COMMISSIONER

  
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MICHAEL BANGE  
COMMISSIONER

ATTEST:

  
SHERRIL L. GOLDEN  
SECRETARY

IN THE MATTER OF THE PETITION OF COMCAST OF GARDEN STATE, L.P., FOR A  
RENEWAL CERTIFICATE OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE AND  
MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE BOROUGH OF BELLMAWR,  
COUNTY OF CAMDEN, STATE OF NEW JERSEY

DOCKET NO. CE22120746

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