



Agenda Date: 2-01-06
Agenda Item: III-J

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST)
CABLEVISION OF NEW JERSEY II, LLC FOR A) AUTOMATIC RENEWAL
RENEWAL CERTIFICATE OF APPROVAL TO) CERTIFICATE OF APPROVAL
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN AND)
FOR THE TOWNSHIP OF MAPLEWOOD, COUNTY)
OF ESSEX, STATE OF NEW JERSEY) DOCKET NO. CE05070627

SERVICE LIST ATTACHED

BY THE BOARD

On September 4, 1975, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 7412C-6061 for the construction, operation and maintenance of a cable television system in the Township of Maplewood ("Township"). On March 3, 1986, the Board granted Suburban an Automatic Renewal Certificate of Approval for the Township in Docket No. CE85060616. Through a series of transfers with required Board approvals, Comcast Cablevision of New Jersey, Inc. became the holder of the Certificate. On October 8, 1997, the Board granted Comcast Cablevision of New Jersey, Inc. a Renewal Certificate of Approval for the Township in Docket No. CE95080357. On February 4, 1998, the Board issued an Order Amending Renewal Certificate of Approval. Through a series of subsequent transfers, with required Board approvals, the current holder of the Certificate is Comcast Cablevision of New Jersey II, LLC ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on September 4, 2005, 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.

On July 20, 2005, 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 had adopted an ordinance on July 5, 1995, which was subsequently amended on May 20, 1997, and which granted renewal municipal consent to the Petitioner for a term of ten years with automatic renewal for an additional term of five 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. Further, the Township reviewed these qualifications in conjunction with the previous municipal consent process, and has no objections to Petitioner's continued performance under the municipal consent.
2. The design and technical specifications of the system will 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 the automatic renewal as stated in the ordinance is five years, in conformance with N.J.S.A. 48:5A-19, N.J.S.A. 48:5A-25, and N.J.A.C. 14:18-13.6. The Board finds this period to be of reasonable duration.
5. 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 informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. 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 Township Administrator. All complaints shall be received and processed in accordance with the applicable rules.
7. The Petitioner shall maintain a local business office in the Township for the purpose of receiving, investigating and resolving complaints. The Petitioner shall be relieved of this commitment if it: a) maintains a local telephone number by which Township customers can communicate with the Petitioner, b) publish the local number in the monthly bill, monthly cable guide and in the majority of other promotional and/or public information disseminated by the Petitioner to Township customers, and c) if the Petitioner requires that a converter or other equipment must be exchanged, deliver the equipment to the customer's home at no cost to the customer. The local office currently serving this function is located at 800 Rahway Avenue, Union, New Jersey.
8. 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. 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.
9. The Petitioner shall provide service to every residence or business located in the Township at no cost beyond tariffed standard and non-standard installation rates.

10. The Petitioner shall provide public, educational and governmental (PEG) access channels and facilities in accordance with its renewal application. Specifically, the Petitioner shall provide one local access channel for the dedicated use of the Township. The Petitioner currently provides the Township with one PEG access channel that is shared with Columbia High School in the Township. The Petitioner also maintains two additional PEG access channels, which are currently unassigned. The Petitioner also has one system wide community access channel for use by subscribers, organizations and entities served by the cable system.
11. The Petitioner also maintains a fully equipped and operational local production studio in Union Township for the creation of local and access programming. The Petitioner shall continue to designate an employee as responsible for addressing the Township's PEG access concerns. The Petitioner shall allow the Township to use its production van for no fewer than two events per month, upon at least a weeks' notice.
12. If at any time during the term of the franchise, should the Township cablecast more than 80 hours of non-duplicative programming in a single month on its local access channel, the Petitioner shall immediately provide a second local access channel to the Township.
13. The Petitioner shall continue to provide the installation and preferred cable service, free of charge to the following locations in the Township: a) Maplewood Community Center, 2) Senior Drop-In Center at Maplecrest Park, c) Unity Auditorium at the Civic House, d) Hilton Branch Library, e) fire department, f) police department, g) first aid squad, and h) each public and private school.
14. The Township shall maintain a Cable Television Advisory Committee for the purpose of reviewing the performance of the Petitioner, determining future cable-related needs of the Township, assisting in the utilization of PEG access programming, serving as liaison between the Township and its schools, reviewing customer complaints and furnishing information and advice to the Township Committee.
15. Before sending out any questionnaire, the Petitioner shall provide the Township reasonable notice and offer the Township reasonable opportunity to offer revisions or matters of inclusion. The Petitioner shall provide the Township with access to any summaries or compilations of such responses.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), 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 or 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 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 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 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 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.

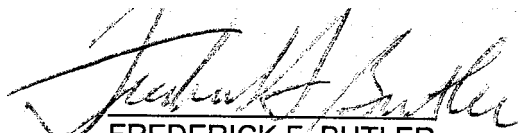
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained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

This Certificate shall expire on September 4, 2010.

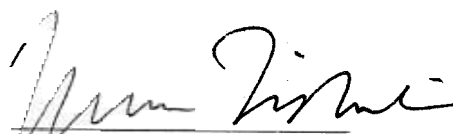
DATED 2/2/06

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

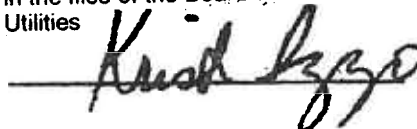

CONNIE O. HUGHES
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



SERVICE LIST

Richard P. DeAngelis, Jr., Esq.
Stryker, Tams and Dill
Two Penn Plaza East
Newark, NJ 07105

Elizabeth J. Fritzen
Township Clerk
Township of Maplewood
574 Valley Street
Maplewood, NJ 07040-2691

Charles Smith
Director of Public Affairs
Comcast
800 Rahway Avenue
Union, NJ 07083

Babette Tenzer, Esq.
Deputy Attorney General
Division of Law
124 Halsey Street
Newark, NJ 07102

Celeste M. Fasone, Director
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Karen A. Marlowe, Coordinator
State and Local Planning North
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102