



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 OF LONG BEACH ISLAND, LLC.)
FOR A RENEWAL CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM AND CABLE COMMUNICATIONS)
SYSTEM IN AND FOR THE BOROUGH OF)
BARNEGAT LIGHT, COUNTY OF OCEAN,)
STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE06090671

SERVICE LIST ATTACHED

BY THE BOARD:

On February 13, 1975, the Board granted Island Cable Company Corporation, a Certificate of Approval in Docket No. 7412C-6068 for the construction, operation and maintenance of a cable television system in the Borough of Barnegat Light ("Borough"). Due to a series of Board approved transfers, the Certificate was held by TKR Cable Company of Long Beach Island and on December 17, 1990, the Board issued a Renewal Certificate of Approval in Docket No. CE89121002. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Long Beach Island, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on February 13, 2005, the Petitioner 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 Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on May 14, 2004, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on June 21, 2006. The Petitioner formally accepted the terms and conditions of the ordinance on July 17, 2006.

On September 25, 2006, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval, and the municipal

consent ordinance. 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.
- 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 15 years. The Board finds this period to be of reasonable duration.
- 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 same within 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 Borough may petition the Board for appropriate administrative action including modification and/or termination of the Certificate of Approval.
- 6) The Petitioner shall proffer service along any public right-of-way to any person's residence or business within the entirety of the Borough at tariffed rates for standard and non-standard installation. The Board notes here that the Borough included reference to a residential line extension policy in the ordinance although a residential line extension policy has never been employed in the Borough. Therefore, the Board declines to authorize a residential line extension policy in this Certificate. The Petitioner agrees with this modification.
- 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 informational schedules 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 Borough. 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. The Petitioner currently maintains a local office at 1202 Long Beach Boulevard, in the Borough of Ship Bottom.
- 10) The franchise fee to be paid to the Borough 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 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.

- 11) The Petitioner shall provide public, educational, and governmental ("PEG") access equipment and facilities as described in the application. The Petitioner currently provides one system-wide channel for local origination programming, two system-wide educational access channels and one governmental access channel for use by community and educational entities for the purpose of cablecasting non-commercial programming. The Petitioner provides use of a mobile van for productions, studio facilities, portable cameras and related equipment. An Access Coordinator is available to answer technical questions and provide basic equipment training.
- 12) The Petitioner shall provide to the Borough a one time capital contribution of \$5,900.00, to be utilized by the Borough for cable or technology related purposes. Upon payment, the Petitioner shall submit proof of satisfaction of this provision to the Office of Cable Television.
- 13) The Petitioner shall provide Total Preferred cable television service, on one outlet, free of charge, to each school in the Borough, public and private, elementary, intermediate and secondary, provided that each school is 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.
- 14) The Petitioner shall provide Total Preferred cable television service or its equivalent, on one 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, provided that each facility is 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.
- 15) Upon written request of the Borough, the Petitioner shall meet with the Borough at a public hearing of the governing body or before the Borough's Cable Television Advisory Committee, at least once annually to discuss matters pertaining to the provision of cable service to residents and other issues of concern to the Borough.

Based upon these findings, the Board **HEREBY CONCLUDES** that, 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 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 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 Borough.

This 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 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.

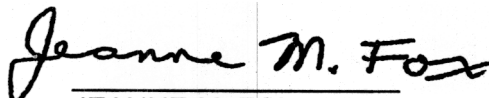
Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

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 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 February 13, 2020.

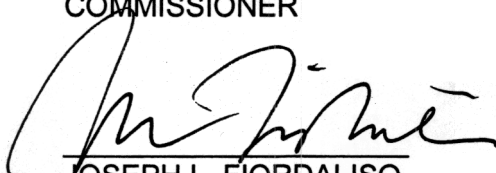
DATED: 6/20/07

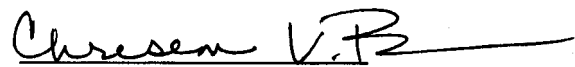
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CONNIE O. HUGHES
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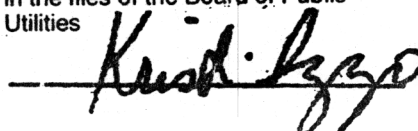

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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
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