



Agenda Date: 8/22/07
Agenda Item: III E

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)
SOUTH JERSEY, LLC FOR AN AUTOMATIC RENEWAL) **AUTOMATIC RENEWAL**
CERTIFICATE OF APPROVAL TO CONTINUE TO) **CERTIFICATE OF APPROVAL**
CONSTRUCT, OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE CITY OF)
SOMERS POINT, COUNTY OF ATLANTIC, STATE OF)
NEW JERSEY)

DOCKET NO. CE07040265

SERVICE LIST ATTACHED

BY THE BOARD:

On April 3, 1975, the Board granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval in Docket No. 752C-6079 for the construction, operation and maintenance of a cable television system in the City of Somers Point ("City"). On January 23, 1987, the Board issued a Renewal Certificate of Approval to Sammons in Docket No. CE85090925. On March 12, 1993, the Board issued a Renewal Certificate of Approval to Sammons in Docket No. CE91091440. The Board approved the transfer of the Certificate of Approval from Sammons to Lenfest Atlantic, Inc. ("Lenfest") and on November 4, 1998 the Board issued a Renewal Certificate of Approval to Lenfest in Docket No. CE97050361. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of South Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on January 23, 2007, the Petitioner is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

On December 21, 2006, the Petitioner notified the City of its intention to exercise its right under the automatic renewal provision of the municipal consent and Renewal Certificate of Approval. On April 13, 2007, the Petitioner filed a petition with the Board for Automatic Renewal of its Certificate of Approval for the City, 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 City adopted an ordinance on April 10, 1997, granting renewal municipal consent to the Petitioner's predecessor to provide a term of ten years with an automatic renewal 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, these qualifications were previously reviewed by the City 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 five years, pursuant to N.J.S.A. 48:5A-19, -25 and N.J.A.C. 14:18-13.6. The Board finds this period to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. 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.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the City. In this case, it is the Office of Cable Television. 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 and shall be located within twenty airline miles of the principal coordinates of the City. The Petitioner currently maintains a local office located at 901 W. Leeds Avenue in Absecon, New Jersey.
9. The franchise fee to be paid to the City 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 City or any additional amount thereafter required by N.J.S.A. 48:5A-30. 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 unless such amount

is increased as required by N.J.S.A. 48:5A-30. The Board finds these fees to be reasonable.

10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as required by the application. Specifically, the Petitioner shall continue to provide one channel to be used for governmental access. The channel shall be shared with other municipalities served by the same headend providing signal to the City. The Petitioner also provides one channel for educational access.
11. The Petitioner shall continue to provide installation and basic cable television service, free of charge, to one outlet to each school, library and municipally owned building within the City. Installation of additional outlets shall be paid for on a materials plus labor basis by the City. Monthly service charges on such additional outlets shall be charged at the regular tariffed rates for additional outlets.
12. Upon request of the City Council, the Petitioner shall attend meetings of the Council in order to discuss or address complaints received by the Council as they relate to the operation of cable television within the City.
13. The Petitioner shall continue to offer a senior citizens/disabled discount for persons meeting the eligibility requirements pursuant to N.J.S.A. 30:4D-21 and N.J.A.C. 14:18-3.20.

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 City.

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.

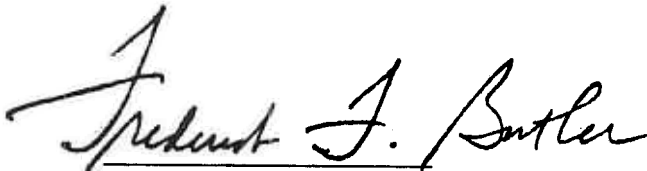
This Certificate shall expire on January 23, 2012.

DATED:

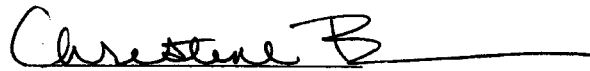
8/22/07

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

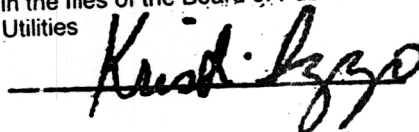

JOSEPH L. FIORDALISO
COMMISSIONER


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
Utilities



APPENDIX "I"

Office of Cable Television Line Extension Policy

Company	Comcast of South Jersey, LLC
Municipality	City of Somers Point

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 which 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:

- 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 which the company has historically constructed at its own cost. This is a function of the operator's break even 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 and/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 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six 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 years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five 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.

SERVICE LIST

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

Carol Degrassi
City Clerk
City of Somers Point
1 W New Jersey Ave.
Somers Point, NJ 08244

Barry Taylor,
Area Director of Government & Community Affairs
Comcast
1191 Fries Mill Road
Franklinville, NJ 08322

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

Nancy Wolf, Coordinator
State and Local Planning South
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

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