

2. The investment adviser representative is in compliance with the home state’s investment adviser representative continuing education requirements.

(i) An investment adviser representative who was previously registered pursuant to the Act and became unregistered must complete investment adviser representative continuing education for all reporting periods that occurred between the time that the investment adviser representative became unregistered and when the person became registered again pursuant to the Act unless the investment adviser representative takes and passes the examination or receives an examination waiver as required at N.J.A.C. 13:47A-4.3(b) in connection with the subsequent application for registration.

13:47A-4.5 (No change in text.)

SUBCHAPTER 6. DISHONEST OR UNETHICAL BUSINESS PRACTICES

13:47A-6.3 Examples of dishonest or unethical practices for broker-dealers, agents, issuer-agents, advisers, and internet site operators

(a) “Dishonest or unethical practices” as used at N.J.S.A. 49:3-47 et seq., specifically at N.J.S.A. 49:3-53.a(3) and 49:3-58.a(2)(vii), shall include the following:

1.-62. (No change.)

63. Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contravention of Section 206(4) of the Investment Advisers Act of 1940 (15 U.S.C. § 206(4)), notwithstanding the fact that such investment adviser is not registered or required to be registered pursuant to Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. § 203);

64. Failing to pay and fully satisfy any final judgment or arbitration award, resulting from an investment-related, customer-initiated arbitration, or court proceeding, unless alternative payment arrangements are agreed to between the customer and the investment adviser or investment adviser representative, or the broker-dealer or broker-dealer agent, in writing, and the investment adviser or investment adviser representative, or broker-dealer or broker-dealer agent complies with the terms of the alternative payment arrangement;

65. Attempting to avoid payment of any final judgment or arbitration award resulting from an investment-related, customer-initiated arbitration or court proceeding, unless alternative payment arrangements are agreed to between the customer and the investment adviser or investment adviser representative, or the broker-dealer or broker-dealer agent, in writing, and the investment adviser or investment adviser representative, or the broker-dealer or broker-dealer agent complies with the terms of the alternative payment arrangements;

66. Failing to pay and fully satisfy any fine, civil penalty, order of restitution, order of disgorgement, or similar monetary payment obligation imposed, whether administratively or through court proceedings, upon the investment adviser or investment adviser representative, or the broker-dealer or agent by the Securities and Exchange Commission, a court of competent jurisdiction, the securities or other financial services regulator of any state or province, or any self-regulatory organization; or

67. (No change in text.)

SUBCHAPTER 12. EXEMPTIONS FOR SECURITIES TRANSACTIONS AND SECURITIES OFFERINGS; EMPLOYEE BENEFIT PLANS; ACCREDITED INVESTORS

13:47A-12.4 Manual exemptions

The manuals issued by Mergent’s are recognized for the “manual” exemption pursuant to N.J.S.A. 49:3-50.b(2)(i)(B). This exemption encompasses both the printed manuals and the electronic data services of Mergent’s.

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY
Notice of Readoption
Rules of the Board of Dentistry
Readoption: N.J.A.C. 13:30**

Authority: N.J.S.A. 45:1-15 and 45:6-1 et seq.

Authorized By: Board of Dentistry, Nicholas DeRobertis, DMD, President.

Effective Date: August 22, 2024.

New Expiration Date: August 22, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:30 were scheduled to expire on October 11, 2024. The rules establish standards for the licensing and regulation of dentists, dental hygienists, and registered dental assistants.

Subchapter 1 sets forth the rules applicable to candidates seeking licensure to practice dentistry in New Jersey. Subchapter 1A addresses the licensure of dental hygienists. Subchapter 2 sets forth the requirements applicable to dental assistants. Subchapter 2A is reserved. Subchapter 3 sets forth the rules applicable to applicants seeking a limited teaching certificate to provide instruction at dental schools. Subchapter 4 sets forth the rules applicable to industrial or corporate dental clinics. Subchapter 5 addresses continuing education requirements. Subchapter 6 sets forth requirements for advertising. Subchapter 7 is reserved. Subchapter 8 sets forth provisions of general applicability, including permissible business structure, license and registration renewal, and emergency protocol provisions. Subchapter 9 addresses telehealth and telemedicine.

The Board of Dentistry has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without change and shall continue in effect for a seven-year period.

PUBLIC UTILITIES

(b)

**BOARD OF PUBLIC UTILITIES
Rules of Practice and Procedure of the Office of
Cable Television**

Readoption with Amendments: N.J.A.C. 14:17

Adopted New Rule: N.J.A.C. 14:17-6.11

Adopted Repeals: N.J.A.C. 14:17-1.5, 6.16, and 6.17

Proposed: April 1, 2024, at 56 N.J.R. 460(a).

Adopted: August 14, 2024, by Lawanda R. Gilbert, Director, Office of Cable Television (with approval of the Board of Public Utilities, Christine Guhl-Sadovy, President; Dr. Zenon Christodoulou, Ph.D., Marian Abdou and Michael Bange, Commissioners).

Filed: August 15, 2024, as R.2024 d.087, **without change**.

Authority: N.J.S.A. 48:5A-10.

BPU Docket Number: CX23100741.

Effective Dates: August 15, 2024, Readoption;
September 16, 2024, Amendments, Repeals, and
New Rule.

Expiration Date: August 15, 2031.

Summary of Hearing Officer’s Recommendation and Agency’s Response:

The public hearing was held on April 23, 2024, at the Board of Public Utilities’ (Board) office in Trenton, New Jersey. No members of the public attended. Lawanda R. Gilbert, Director, Office of Cable Television

presided at the hearing. As hearing officer, Director Gilbert made no recommendations. A record of the public hearing is available for inspection in accordance with applicable law by contacting:

New Jersey Board of Public Utilities
Secretary of the Board
Attn: Docket No. CX23100741
44 S. Clinton Avenue, 1st Floor
PO Box 350
Trenton, New Jersey 08625-0350
Email: board.secretary@bpu.nj.gov
Phone: 609-292-1599

Summary of Public Comments and Agency Responses:

Written comments were received from: Comcast Cable Communications, LLC (Comcast) and New Jersey Division of Rate Counsel (Rate Counsel).

General Comments

1. COMMENT: The commenter is generally supportive of the proposed changes at N.J.A.C. 14:17 to address technical changes and conformity with general Board rules of practice and changes in Federal and State laws, and appreciates the opportunity to provide comments. (Rate Counsel)

RESPONSE: The Board thanks Rate Counsel for its comments.

2. COMMENT: The commenter welcomes the proposed amendments at N.J.A.C. 14:17 that will facilitate the electronic filing of communications, petitions, and other documents with the Board, including the proposed amendments at N.J.A.C. 14:17-1.2, 1.3, 1.6, and 1.7. The commenter states that the rulemaking reflects the Board's continuing effort to align its communications rules with advances in communications technologies, which represent a meaningful modernization of the Board's regulations. (Comcast)

RESPONSE: The Board thanks Comcast for its comments.

N.J.A.C. 14:17-1.2 Construction and Amendment

3. COMMENT: The Board proposes to amend paragraph (b)2 to permit a person or entity seeking a waiver of Office of Cable Television rules to apply electronically, in addition to in writing, and to permit such applications to be made electronically to the Board Secretary, in addition to the Director. The commenter proposes adding the Division of Rate Counsel to the list of parties served pursuant to this rule and recommended proposed language be inserted to include Rate Counsel as one of the parties. (Rate Counsel)

RESPONSE: The Board thanks Rate Counsel for its comments. Upon review, the Board finds that requiring applicants to file waiver requests with Rate Counsel is not appropriate. The proposed changes at N.J.A.C. 14:17-1.2 were to mirror the Board's procedural rules governing utilities, as codified at N.J.A.C. 14:1. The rule for requesting a waiver at N.J.A.C. 14:1-1.2 does not require applications for waivers to be filed with Rate Counsel and, therefore, to remain consistent with N.J.A.C. 14:1-1.2, the Board declines to make Rate Counsel's proposed change. However, the Board notes that Rate Counsel is not precluded from responding to or commenting on waiver filings.

N.J.A.C. 14:17-6.8 Petitions for Approval of the Transfer of Certificates of Approval or Systemwide Franchise

4. COMMENT: The commenter requests amendments to this rule and N.J.A.C. 14:17-16.18 (Merger and Transfer Rules), which would create a streamlined procedure for seeking Board approval of internal corporate reorganizations (paper mergers) for transfers of certificates of approval or systemwide franchises. The proposed amendments would exempt such mergers from this rule, and would make these mergers, as well as the attendant transfer of franchises from the merged entity to the surviving entity, subject to a single set of petition requirements tailored for corporate reorganizations that do not impact on-the-ground operations. (Comcast)

RESPONSE: The Board thanks the commenter for its input regarding the rules for transfers of certificates of approval and systemwide franchises, but believes the rule is necessary to ensure appropriate oversight of the company and to effectively carry out the Board's role as the State's local franchising authority. As noted by the commenter, "exercising appropriate oversight with regard to franchise-holding entities and the transfer of franchises is an important part of the Board's efforts to

protect New Jersey municipalities, subscribers, and employees." Exempting all such filings as proposed by the commenter would hinder Board staff's ability to confirm the continued provision of safe and adequate service under the merged cable franchises, which requires review of the proposed reorganizations or franchise transfers on a case-by-case basis. Cable providers bear the burden of providing the necessary information for the Board to properly assess the petitions, and also have the ability to request a waiver of certain requirements, just as the commenter did in the matter cited in its comments (*In the Matter of the Joint Petition of Comcast of Hopewell Valley, Inc. and Comcast of Mercer County, LLC for Approval of a Merger*, BPU Docket No. CM16090907 (Sept. 7, 2022)). Therefore, the Board declines to make further modifications to the rule at this time.

N.J.A.C. 14:17-6.11 Petitions for an Initial or Renewal Systemwide Franchise

5. COMMENT: The commenter believes the rule is unnecessary and duplicative and will cause confusion with the rules currently in place at N.J.A.C. 14:18-14.18. (Rate Counsel)

RESPONSE: The Board thanks the commenter but declines to change the proposed rule. The purpose of this section is to clarify the procedural rules governing cable television companies and assist with implementation of the systemwide cable franchise as required at N.J.S.A. 48:5A-1 et seq. The purpose of Chapter 17 is to clarify the tenets of the Board's current statutes and to ensure a fuller understanding of filing requirements and compliance by the petitioner. The current rulemaking was prompted by a recent occurrence of filings and the rule clarifying administrative needs based on statutory requirements. Since the revisions at N.J.S.A. 48:5A-1 et seq., to establish a systemwide franchise, the Board has been tasked with developing rules to meet the legislative requirements and address the administrative issues for filings; the Board believes the proposed rulemaking addresses these issues.

N.J.A.C. 14:17-6.18 Petitions for Approval of a Merger or Consolidation

6. COMMENT: The commenter requests amendments to this rule and N.J.A.C. 14:17-16.8 (Merger and Transfer Rules), which would create a streamlined procedure for seeking Board approval of internal corporate reorganizations (paper mergers) tailored to circumstances of companies holding New Jersey franchises that are already wholly owned and operated by a common parent entity, and do not require the same review as an arm's length transaction where the surviving company does not already have an established cable television footprint in New Jersey. (Comcast)

RESPONSE: The Board thanks the commenter for its suggestion for streamlining the rules for internal transfers of a merger or consolidation, but believes the change is necessary to ensure appropriate oversight of cable television franchise holders and to effectively carry out the Board's role as the local franchising authority. The commenter spoke favorably of the changes to rules the Board has proposed to modernize the process and the Board notes that it has consistently amended and streamlined filings over the last several rulemakings. While the commenter claims that certain information required (for example, recent balance sheets and income statements, etc.) may not readily exist in the form requested for legal entities over which a parent company already exercises fully integrated operational control, such items are generally required to be maintained by the companies pursuant to general accounting principles governing treatment of subsidiary companies, requiring the maintenance of separate accounting records for each entity. Cable providers bear the burden of providing the necessary information for the Board to properly assess the petitions, and also have the ability to request a waiver of certain requirements, just as the commenter did in the matter cited in its comments (*In the Matter of the Joint Petition of Comcast of Hopewell Valley, Inc. and Comcast of Mercer County, LLC for Approval of a Merger*, BPU Docket No. CM16090907 (Sept. 7, 2022)). Therefore, the Board declines to make further modifications to the rules at this time.

Federal Standards Statement

While many of the rules readopted with amendments, repeals, and a new rule are subject to Federal laws, rules, regulations, and standards, including rate regulations and associated procedures (47 CFR 76.900), the Board does not believe that any of the rules readopted with amendments,

repeals, and a new rule conflict with or exceed Federal standards. Instead, the rules either directly codify existing Federal requirements or are explicitly within the scope of regulation that the Federal government reserved for the local franchising authority, which in this case is the Board.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 14:17.

Full text of the adopted amendments and new rule follows:

SUBCHAPTER 1. GENERAL PROVISIONS

14:17-1.1 Scope

This chapter shall govern practice and procedure before the Office of Cable Television of the Board of Public Utilities.

14:17-1.2 Construction and amendment

(a) This chapter shall be liberally construed to permit the Office to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Office.

(b) In special cases and for good cause shown, the Office, with the concurrence of the Board, may relax or permit deviations from this chapter.

1. (No change.)

2. Any person or entity seeking waiver of any of the Office's rules, or parts thereof, shall apply, in writing, or electronically, through email, to the Director and the Board Secretary. A request for waiver shall include the following:

i.-iii (No change.)

3. (No change.)

(c) (No change.)

14:17-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...
 "Electronically filed" means submitted to the Board Secretary through the Board's External Access Portal, <https://www.nj.gov/bpu/agenda/efiling/>, or emailed to Board.Secretary@bpu.nj.gov.
 ...

14:17-1.4 Offices and hours

(a) The statutory offices of the Board, the Secretary of the Board, and the Office of Cable Television are located at 44 South Clinton Avenue, PO Box 350, Trenton, New Jersey 08625-0350.

(b) All offices of the Board are open on weekdays from 9:00 A.M. to 5:00 P.M., unless otherwise authorized by the Board.

(c) The offices are closed on legal holidays, Saturdays, and Sundays.

14:17-1.5 (Reserved)

14:17-1.6 Communications

(a) All pleadings, correspondence, and other papers should be submitted to the Board Secretary by email, filed electronically through the Board's External Access Portal, hand delivered, or mailed to the Secretary, Board of Public Utilities, 44 South Clinton Avenue, PO Box 350, Trenton, New Jersey 08625-0350.

(b) (No change.)

(c) Additional copies of such pleadings and correspondence for the Director and staff may be sent to the Director, Office of Cable Television, Board of Public Utilities, 44 South Clinton Avenue, PO Box 350, Trenton, New Jersey 08625-0350.

14:17-1.7 Official records

(a) (No change.)

(b) Copies of rules and regulations and orders and decisions of the Board will be furnished by the Secretary by email or regular mail upon payment of appropriate fees.

14:17-1.8 Cameras and recording devices

(a) Proceedings before the Board or Office shall be conducted with proper decorum.

(b)-(g) (No change.)

SUBCHAPTER 2. FEES AND CHARGES

14:17-2.2 Payment of fees and charges

(a) No petition, report notice, or other document will be accepted for filing, and no request for hard copies of any forms, pamphlets, or documents will be granted, nor action taken by the Board or Office unless such filings and requests are accompanied by the required fees or charges, as provided by law and this chapter.

(b) All checks for payment of such fees and charges shall be made payable to the order of "Treasurer, State of New Jersey" and delivered or mailed to the Secretary of the Board, or designee, 44 South Clinton Avenue, PO Box 350, Trenton, New Jersey 08625-0350. The check shall include a description as to the nature of the payment.

SUBCHAPTER 3. APPEARANCE AND PRACTICE BEFORE THE BOARD OR OFFICE

14:17-3.1 Appearances

Any person appearing before or transacting business with the Board or Office in a representative capacity may be required by the Board or Office to file evidence of his or her authority to act in such capacity, subject to the provisions at N.J.A.C. 1:1-5.1, 5.2, and 5.4.

14:17-3.3 Former employees

(a) No former member or employee of the Board or member of the Attorney General's Office assigned to the Board may appear before the Board or engage with Board staff in a representative capacity by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness on behalf of any third-party, except for the State or a third-party engaged by the Board to perform work on its behalf under its control and discretion, at any time, within six months after separation from the Board after said six-month period in any proceeding wherein he or she previously took an active part when associated with the Board or the Office of the Attorney General.

(b) After the expiration of the six-month period, no former member or employee of the Board or member of the Attorney General's Office assigned to the Board may appear in a representative capacity, by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness, on behalf of any third-party, except for the State or a third-party engaged by the Board to perform work on its behalf and under its control and direction, at any time, in any specific cause, proceeding, application, or matter wherein the former employee or member had direct and substantial involvement while associated with the Board.

SUBCHAPTER 4. PLEADINGS

14:17-4.2 Number of copies

(a) Unless otherwise required or permitted pursuant to N.J.A.C. 14:1-4.2, there shall be filed with the Board for its own use, an original and one conformed copy of each pleading or other document and amendment thereof, when filed by hard copy.

(b)-(c) (No change.)

14:17-4.3 Attachments to pleadings

(a) All balance sheets, income statements, and journal entries submitted with pleadings must conform to generally accepted accounting principles and generally accepted auditing principles, or, if adopted pursuant to State or Federal law, any applicable Uniform System of Accounts.

(b) This section shall not apply to entities exempted by the Federal Communications Commission from using the Uniform System of Accounts.

SUBCHAPTER 6. PETITIONS

14:17-6.2 Applications to other regulatory bodies

(a) Where the relief sought in a petition also requires the approval or authorization of any other state or Federal regulatory body, the petition to the Office shall so state and include the following:

1.-2. (No change.)

3. If such an application or an amendment thereof is filed with another state or Federal regulatory body subsequent to date of filing with this Board but prior to its determination, a copy of such application or amendment thereof, together with a copy of any order or certificate issued relating thereto, shall be filed with the Office and served upon other parties of record.

14:17-6.4 Procedures of Office on filing of petition

(a) If, in the opinion of the Office, the petition complies substantially with this subchapter and appears on its face to state a matter within this Office's jurisdiction and necessary copies have been received and fees paid, the Secretary of the Board shall file same.

(b)-(d) (No change.)

14:17-6.5 Handling informal complaint to the Office as complaint officer in lieu of petition

(a) For any customer of a cable television company operating under a systemwide franchise, or when a municipality has designated the Office as the "complaint officer" pursuant to the applicable provisions at N.J.S.A. 48:5A-1 et seq., an informal complaint may be made by letter, email, or electronic filing in lieu of filing a petition.

(b)-(h) (No change.)

(i) A party desiring a decision on order of the Board must file a petition in accordance with N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable.

14:17-6.6 Petitions for initial certificate of approval

(a) Petitions for a certificate of approval shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable. The following information shall also be supplied in the body of the petition or in attached exhibits:

1.-3. (No change.)

4. A copy of the application for cable television franchise, on the standard form supplied by the Office, pursuant to N.J.A.C. 14:18-12.2 and including any changes in terms, conditions, facts, or circumstances resulting from negotiations or agreements with the municipality;

5.-7. (No change.)

(b) In cases where the petition involves the arbitrary refusal by a municipality to grant a municipal consent, pursuant to N.J.S.A. 48:5A-1 et seq., the petition shall, in addition to the requirements at (a) above, to the extent applicable, also provide proof that the municipal consent is being arbitrarily withheld.

14:17-6.7 Petition for approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based

(a) Petitions for the approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or attached exhibits, also provide the following information:

1.-4. (No change.)

(b)-(c) (No change.)

14:17-6.8 Petitions for approval of the transfer of certificates of approval or systemwide franchise

(a) Petitions for approval of the transfer of certificates of approval or systemwide franchise shall conform to the requirements at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable and shall, in the body thereof or in the attached exhibits, also provide the following information:

1.-13. (No change.)

(b) Proof of service of notice of the proposed transfer to all the electric and telephone utilities serving the area, and upon all cable television companies referred to at (a)5 above shall be included with the petition.

(c)-(e) (No change.)

14:17-6.9 Petitions for renewal of certificate of approval

(a) Petitions for renewal of a certificate of approval shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1. A copy of the original municipal consent or evidence of the original municipal consent; a copy of the renewal municipal consent; and a copy of the current certificate of approval;

2.-6. (No change.)

(b) The petition shall also contain the information as required pursuant to the provisions at N.J.A.C. 14:17-6.6, Petitions for certificate of approval, and shall indicate that the petitioner has complied with N.J.A.C. 14:18-13, Renewals.

14:17-6.10 Petitions for the approval of the sale or lease of property

(a) Petitions for the approval of the sale, conveyance, or lease of real or personal property, or the granting of an easement, or like interest therein as required by law shall conform to the provisions at N.J.S.A. 48:5A-1 et seq., N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1. An original and one copy of a separate sheet or sheets designated Schedule "A" containing a description of the property.

i.-ii. (No change.)

2.-15. (No change.)

(b)-(f) (No change.)

14:17-6.11 Petitions for an initial or renewal systemwide franchise

(a) Petitions for an initial or renewal systemwide franchise shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable. The following information shall also be supplied in the body of the petition or in attached exhibits:

1. A copy of the application for an initial or renewal systemwide franchise filed pursuant to N.J.A.C. 14:18-14.1 or 14.18, as applicable, on a standard form supplied by the Office, with information as required pursuant to N.J.A.C. 14:18-14.2;

2. A list of all municipalities served under the systemwide franchise;

3. Evidence of any existing or proposed agreement(s) between the company and the individual municipality or municipalities proposed to be served under an initial application, demonstrating the company's authority to utilize the public rights-of-way of the municipality for the placement of equipment or facilities to construct, upgrade, operate, or maintain a cable television or telecommunications system, including, but not limited to, any municipal consent, resolution or rights-of-way agreement issued by the municipality;

4. The location and address of the company's local office(s) or agent pursuant to N.J.S.A. 48:5A-26(d) and N.J.A.C. 14:18-5.1;

5. A copy of any and all notices or correspondence filed by the cable television operator initiating renewal proceedings, pursuant to N.J.A.C. 14:18-14.16 and 14.17; and

6. A copy of the most recent systemwide franchise approval issued by the Board.

14:17-6.12 Petitions for reconsideration of assessment

(a) Petitions for reconsideration of the assessment levied in accordance with N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or the exhibits attached thereto, provide the following information:

1.-2. (No change.)

14:17-6.13 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness, or to execute mortgages

(a) Petitions for authority to issue any stocks, bonds, notes, or other evidence of indebtedness, payable in more than one year from the date thereof, and to execute mortgages shall conform to the provisions at N.J.S.A. 48:5A-1 et seq., N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, provide the following information:

1.-5. (No change.)

6. Where one of the purposes is to reimburse the treasury for expenditures not previously capitalized by the issuance of securities, the petitioner shall also show the exact period and amount for which reimbursement is desired, comparative financial statements that shall include, at a minimum, balance sheets and utility plant by accounts as at the beginning and end of the period, as well as changes in the period (in the case of cable television plant, additions and retirements shall be stated

separately for each year); a statement indicating the source and application of funds during the period; a statement indicating the manner in which the petitioner proposes to use the proceeds from the security issue; and the necessity and reasonableness of the proposed transaction;

7.-14. (No change.)

14:17-6.14 Petitions for authority to transfer capital stock

(a) Petitions for authority to transfer upon the books and records of any cable television company, pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, any share or shares of its capital stock, shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1.-8. (No change.)

(b) (No change.)

14:17-6.15 Petitions for permission to lend money or property

(a) Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq., shall conform to N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in exhibits thereto, provide the following additional information:

1.-5. (No change.)

14:17-6.16 and 6.17 (Reserved)

14:17-6.18 Petitions for approval of a merger or consolidation

(a) Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to the provisions at N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, 6.4, and 6.13, to the extent applicable, and shall contain in the petition, or as attached exhibits, the following information:

1.-14. (No change.)

14:17-6.19 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents, and other writings outside the State of New Jersey, filed with the Board, as required pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof or in attached exhibits, also provide the following information:

1.-10. (No change.)

11. The name, address, telephone number, and email address of the petitioner's statutory agent.

14:17-6.20 Petitions by municipalities for permission to charge franchise fee above that prescribed at N.J.S.A. 48:5A-1 et seq.

(a) Petitions by municipalities for permission to charge a franchise fee above that prescribed at N.J.S.A. 48:5A-1 et seq., shall be filed in one of two forms:

1. (No change.)

2. A petition in conformity with the requirements at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, may be filed separately by a municipality.

3. (No change.)

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petition for an order setting aside municipal or county refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-17.e, shall conform to N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and shall include, but not be limited to, the following:

1.-4. (No change.)

(b) The petition pursuant to this section must be filed with the Office and the Secretary of the Board within 60 days of written notice of the denial to the petitioner.

(c) The Board or administrative law judge shall hold a hearing on the matter.

SUBCHAPTER 7. ANSWERS AND REPLIES

14:17-7.1 Form and content

(a) Any party against whom a petition is directed and who desires to contest the same or make any representation to the Office in connection therewith shall file an answer, in writing, thereto with the Secretary of the Board.

(b) The answer shall be so drawn as to apprise the parties and the Board fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the petition.

(c) (No change.)

SUBCHAPTER 8. CONFERENCES AND SETTLEMENTS

14:17-8.3 Stipulation of conference results

(a) Upon conclusion of the pre-transmittal conference, the parties, or their attorneys, shall reduce the results thereof to the form of a written stipulation reciting the matters agreed upon, and an original and one copy thereof shall be filed with the Board pursuant to N.J.A.C. 14:17-4 within 10 days of the date of the conference. If no stipulations are reached, the matter shall be immediately transmitted to the Office of Administrative Law.

(b)-(c) (No change.)

SUBCHAPTER 9. CONTESTED CASE HEARINGS

14:17-9.1 Contested case procedures

The hearing in any matter that is determined by the Board to be a contested case shall be conducted pursuant to the procedures in the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Public Utilities Rules of Special Applicability, N.J.A.C. 1:14.

14:17-9.7 Motions and answers on rehearing, reopening, or reconsideration

(a)-(d) (No change.)

(e) Appeals of the Board's rulings on a motion for rehearing, reopening, or reconsideration must be made to the Appellate Division within 45 days of the Board's Order. The Rules Governing the Courts of the State of New Jersey provide the rules and procedures for filing the appeal. Information regarding filing an appeal may be obtained from the Superior Court of the State of New Jersey.

SUBCHAPTER 10. UNCONTESTED CASE PROCEEDINGS

14:17-10.3 Filing

Pleadings, correspondence, or other documents pertaining to an uncontested case shall be filed pursuant to N.J.A.C. 14:17-4. Copies of such correspondence shall be filed with the Secretary of the Board and with the parties of record.

14:17-10.4 Cameras and recording devices

Cameras or recording devices may be used at uncontested case proceedings in accordance with the standards and procedures at N.J.A.C. 14:17-1.8.

14:17-10.5 Appearances

Any person appearing in a representative capacity in any uncontested case proceeding shall conform to the requirements at N.J.A.C. 14:17-3.

TRANSPORTATION

(a)

DIVISION OF CAPITAL PROGRAM MANAGEMENT DIVISION OF RIGHT OF WAY AND ACCESS MANAGEMENT

Relocation Assistance

Readoption with Amendments: N.J.A.C. 16:6

Proposed: June 3, 2024, at 56 N.J.R. 1007(a).