



Agenda Date: 2/28/18
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION &
TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF)
COMCAST OF NEW JERSEY II, LLC FOR A)
RENEWAL CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN)
AND FOR THE CITY OF SUMMIT, COUNTY OF)
UNION, STATE OF NEW JERSEY)
AUTOMATIC RENEWAL)
CERTIFICATE OF APPROVAL)
DOCKET NO. CE17121277)

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, for the Petitioner
Rosemary Licatese, Clerk, City of Summit, New Jersey

BY THE BOARD:

On January 5, 1978, the Board of Public Utilities ("Board") granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 778C-6312 for the construction, operation and maintenance of a cable television system in the City of Summit ("City"). On June 17, 1988, the Board granted Suburban a Renewal Certificate of Approval for the City in Docket No. CE87070716. Through a series of transfers with required Board approvals, Comcast Cablevision of New Jersey, Inc. ("Comcast") became the holder of the Certificate. On September 2, 1999, the Board granted Comcast a Renewal Certificate of Approval for the City, in Docket No. CE99070454. Based on a name change, the current holder of the Certificate is Comcast of New Jersey II, LLC ("Petitioner"). On October 23, 2008, the Board granted the Petitioner a Renewal Certificate of Approval for the City, in Docket No. CE08080573. Although by its terms the Petitioner's above referenced Certificate expired on January 5, 2018, 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 November 29, 2017, the Petitioner notified the City of its intention to exercise its right under the automatic renewal provision of the City's municipal consent and the Renewal Certificate of Approval. On December 8, 2017, the Petitioner filed 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. On May 20, 2008, the City adopted an ordinance granting municipal

consent. On June 20, 2008, the Petitioner accepted the ordinance which provided for a term of ten years with an automatic renewal for a term of an additional five years.

The Board reviewed the Petition for an Automatic Renewal Certificate of Approval and the Application for Renewal of the Cable Television Franchise filed 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. N.J.S.A. 48:5A:22, to - 29.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner represented that all previously required construction within the franchise territory is complete.
4. The franchise period as provided in the ordinance is an automatic renewal term of five years pursuant to N.J.S.A. 48:5A-19-25. The Board finds this duration to be reasonable.
5. The City may review the performance of the Petitioner with regard to the ordinance at its discretion. If the City determines that the Petitioner failed to substantially comply with the material terms and conditions of the ordinance, the City shall provide written notice to the Petitioner of such alleged instances of non-compliance, and shall grant the Petitioner 90 days to cure such deficiency. The City may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, but only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
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 and file with the Board an informational schedule of prices, terms and conditions for unregulated service 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 the applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the primary local business office serving this provision is located at 2345 Highway 22, Union, New Jersey.
9. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the City is specified to be 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 City. 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.

10. The Petitioner shall provide service to any person's residence or business located in the Primary Service Area as indicated on the map on file with the Office of Cable Television at no cost beyond standard and non-standard installation charges. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile figure is 35.
11. The Petitioner shall provide public, educational and governmental access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall maintain two dedicated municipal access channels for use by the City for the purposes of cablecasting non-commercial public, educational or governmental access programming. The Petitioner shall maintain the municipal access channels sequentially within the channel line-up of its basic service programming tier. The Petitioner shall also provide one shared local access channel for the purpose of cablecasting non-commercial local governmental and educational access programming.
12. The Petitioner shall maintain the return line from Summit High School that will enable programming content originating at the high school to be transmitted by the Petitioner on one of the City's access channels. The Petitioner shall also maintain the return line currently installed at the City municipal building so that the City has the ability to originate access programming content from the City municipal building.
13. In the event the current TV-36 studio is relocated, and such relocation affects the City's ability to continue to originate programming from the City municipal building, the Petitioner shall modify the return line so that origination of programming may continue from the City municipal building. In the event the current TV-36 studio is moved or relocated to another location in the City, the Petitioner shall, at its own cost and expense, relocate or install and maintain facilities to enable TV-36 to transmit programming from its new location.
14. In the event the current channel designation for TV-36 is changed by the Petitioner, the Petitioner shall reimburse the City and TV-36 for reasonable administrative costs associated with notifying persons of the channel re-designation and the re-branding of TV-36 content and materials. The total amount to be paid by the Petitioner shall not exceed \$5,000.00.
15. The Petitioner shall continue to make available to Overlook Hospital the signals transmitting the PEG access content carried on each of the PEG access channels referenced above. If Overlook Hospital determines it wants to carry the PEG access signals on its internal television system, the Petitioner shall not be responsible for any equipment or system modification that may be required by the hospital.

16. Upon reasonable notice by the City, the Petitioner shall make available a mobile production unit including cameras, recording and editing equipment for the purpose of producing non-commercial community governmental and educational access programming in accordance with the Petitioner's rules for use of the vehicle. The Petitioner shall provide training and assistance in the use of the production unit.
17. The Petitioner shall provide or continue to provide one standard installation and monthly basic cable television service, free of charge, to each school in the City, public and private, as well as to each municipal building in the City, including but not limited to: police station, fire station(s), emergency management facility, public library, municipal golf course, community pool and department of public works buildings. To qualify for free installation, the facility must be within 200 feet of the Petitioner's active cable television plant. Each additional outlet installed, if any, shall be paid for on a materials, equipment plus labor basis by the City. Monthly basic service charges shall be waived on all additional outlets.
18. The Petitioner shall provide or continue to provide free installation of one non-networked outlet of Internet service via high speed cable modem to all public and private schools and public library buildings. To qualify for free installation, the facility must be within 200 feet of the Petitioner's active cable television plant. The connection shall be installed in a location accessible for community and student use, and shall not be restricted to administrative use.
19. Upon reasonable written request of the City, the Petitioner shall make a representative available at least annually to meet with the City's advisory committee or other designee to review all matters relating to cable television in the City, including but not limited to, customer service standards.

Pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Board **HEREBY FINDS** the Petitioner has the municipal consent necessary to support the petition, such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq.; the Petitioner 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; 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 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 Petitioner's authority to construct, own, operate, and maintain a cable television system within the entirety of the City.

This Automatic 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.

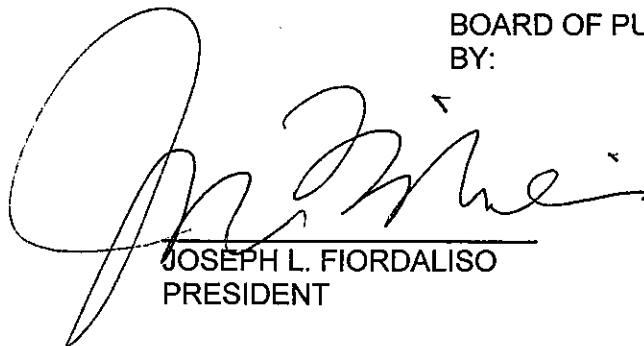
This Automatic Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein shall be adhered to and enforceable unless a specific waiver is granted by the Office of Cable Television pursuant to the authority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

This Certificate shall expire on January 5, 2023.


This Order shall be effective on March 10, 2018.

DATED: 2/28/18

BOARD OF PUBLIC UTILITIES
BY:



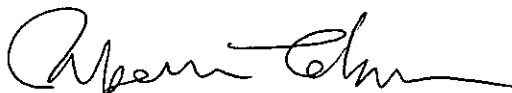
JOSEPH L. FIORDALISO
PRESIDENT



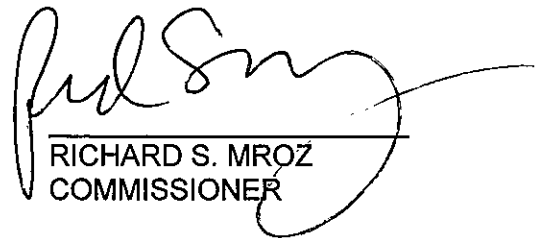
MARY-ANNA HOLDEN
COMMISSIONER




DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



RICHARD S. MROZ
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
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

COMCAST OF NEW JERSEY II, LLC
CITY OF SUMMIT

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:

1. 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 that 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.

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