



Agenda Date: 12/18/18  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF SERVICE )  
ELECTRIC CABLE T.V. OF HUNTERDON, INC. FOR ) RENEWAL CERTIFICATE OF  
THE RENEWAL OF THE CERTIFICATE OF APPROVAL ) APPROVAL  
FOR THE CONTINUED CONSTRUCTION, OPERATION )  
AND MAINTENANCE OF A CABLE TELEVISION )  
SYSTEM IN THE TOWNSHIP OF POHATCONG, )  
COUNTY OF WARREN, STATE OF NEW JERSEY ) DOCKET NO. CE18030348

**Parties of Record:**

**Thomas C. Kelly, Esq.**, on behalf of Service Electric Cable T.V. of Hunterdon, Inc.  
**Wanda L. Kutzman, Clerk**, Township of Pohatcong, New Jersey

**BY THE BOARD:**

On April 8, 1981, the Board of Public Utilities ("Board") granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval ("Certificate") in Docket No. 804C-6674 for the construction, operation, and maintenance of a cable television system in the Township of Pohatcong ("Township"). On December 9, 1992, the Board granted Sammons a Renewal Certificate of Approval for the Township, in Docket No. CE91020216. On February 28, 1996, the Board approved the transfer of the Certificate from Sammons to Service Electric Cable T.V. of Hunterdon, Inc. ("Petitioner"), in Docket No. CM95100503. On October 12, 2006, the Board granted the Petitioner a Renewal Certificate of Approval for the Township, in Docket No. CE05110960. Although by its terms the Petitioner's above referenced Certificate expired on October 12, 2018, it 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.

The Petitioner filed an application for the renewal of its municipal consent with the Township on January 9, 2018, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On March 28, 2018, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed a petition with the Board for renewal of its Certificate of Approval for the Township alleging that the Township had been arbitrary and capricious by not holding a public hearing and issuing a renewal municipal consent to the Petitioner in a timely fashion. Subsequently, the Township adopted a municipal ordinance granting renewal consent to the Petitioner on July 17, 2018. On August 14, 2018, the Petitioner accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24, and

on August 29, 2018, the Petitioner filed an amended petition with the Board to reflect the settlement.

The Board has reviewed the application for municipal consent, the petition and amended 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 and Telecommunications, 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 municipal consent process.
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 as stated in the ordinance is ten (10) years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Township determines that the Petitioner has 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 reasonable opportunity to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, if the reasonable 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 and Telecommunications. 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 Township. In this case, it is the Office of Cable Television and Telecommunications. 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. The local offices serving this purpose are currently located at 37 Sitgreaves Street, Phillipsburg, New Jersey and 2260 Avenue A, 3rd Floor, Bethlehem, Pennsylvania.
9. The franchise fee to be paid to the Township is specified to be two percent (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, and shall be increased as required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be paid to the State in an amount not to exceed two percent (2%) of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall proffer service along any public or private right-of-way to any person's residence in the Primary Service Area of the franchise territory as described on the map submitted with the application and on file with the Office of Cable Television and Telecommunications at no cost beyond charges for standard and non-standard installation. For any extension outside the Primary Service Area, the Petitioner shall use the line extension policy attached to this Certificate as Appendix "I" with a homes per mile figure of thirty-five (35).
11. The Petitioner shall provide public, educational, and governmental ("PEG") access channels and facilities in accordance with its renewal application and ordinance. Specifically, the Petitioner shall provide access time on a channel to non-commercial PEG access entities, currently on Channel 50, which is shared with other municipalities and provides service to Phillipsburg Middle School. The amount of time available to the Township shall be determined by the sharing municipalities. The channel is shared with the Township and other surrounding municipalities. The Town of Phillipsburg has access capabilities by fiber from the Petitioner's tower site to Phillipsburg Middle School.
12. The Petitioner shall provide installation and basic monthly cable television service, free of charge, to the governmental services buildings that exist now or that shall be built in the future including, but not limited to, the library, Pohatcong schools, police department, fire department (including Huntington and Warren Glen firehouses), emergency squad(s), and the municipal building(s). The Township shall obtain and provide easements and rights-of-way to the Petitioner for the above access. The Township shall be responsible for all equipment and costs associated with wiring the interior of the buildings to receive the services identified herein.
13. The Petitioner has agreed to provide a discount for senior citizens, in accordance with N.J.S.A. 48:5A-11.1 and N.J.A.C. 14:18-3.20 and its tariff.
14. At the request of the Township and upon reasonable notice, the Petitioner and Township shall meet to address any issue arising or in connection with cable television in general.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that 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 to -64; 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 and 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 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 Telecommunications, 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 at 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 Telecommunications and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

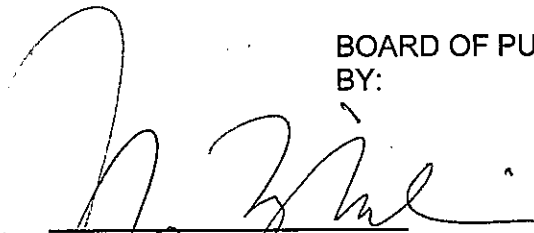
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings contained therein shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A-1 to -64.

This Certificate shall expire on December 28, 2028.

This order shall be effective on December 28, 2018.

DATED: 12/18/18


BOARD OF PUBLIC UTILITIES  
BY:



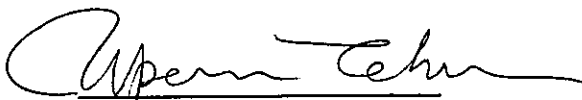
JOSEPH L. FIORDALISO  
PRESIDENT



MARYANNA HOLDEN  
COMMISSIONER



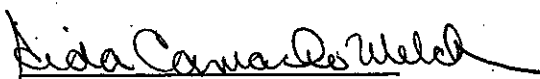
DIANNE SOLOMON  
COMMISSIONER



UPENDRA J. CHIVUKULA  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:   
AIDA CAMACHO-WELCH  
SECRETARY

**APPENDIX "I"**

**OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS  
LINE EXTENSION POLICY**

**SERVICE ELECTRIC CABLE TV OF HUNTERDON, INC.  
TOWNSHIP OF POHATCONG**

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. <u># of homes in extension</u><br>mileage of extension   | = | homes per mile ("HPM") of<br>extension  |
| 2. <u>HPM of extension</u><br>Minimum HPM that<br>company actually<br>constructs in the<br>system * | = | ratio of the density of<br>the extension to the<br>minimum density which the<br>company constructs in the<br>system ("A") |
| 3. Total cost of building<br>the extension times "A"  | = | company's share of<br>extension cost  |
| 4. Total cost of building<br>extension less company's<br>share of extension cost                    | = | total amount to be<br>recovered from<br>subscribers   |
| 5. Total amount to be<br><u>recovered from subs</u><br>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.

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\* 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 thirty (30) days of such a request.
2. Begin construction within sixty (60) days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six (6) 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 5 (five) years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after 5 (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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INC. FOR THE RENEWAL OF THE CERTIFICATE OF APPROVAL FOR THE CONTINUED  
CONSTRUCTION, OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN  
THE TOWNSHIP OF POHATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY  
DOCKET NO. CE18030348

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**Board of Public Utilities**

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