SCARINCI HOLLENBECK

DENNIS C. LINKEN | Partner

dlinken@scarincihollenbeck.com

Phone: 201-806-3426 | Direct Fax: 201-896-8660

April 29, 2015

Kenneth J. Sheehan, Acting Secretary Board of Public Utilities 44 S Clinton Avenue, 9th Floor Trenton, NJ 08625 APR 3 0 2015

BOARD OF PUBLIC UTILITIES MAIL ROOM

CE 15040497

Re: In the Matter of the Petition of Comcast of Plainfield, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Plainfield, County of Union, State of New Jersey
Our File No. 41000,3000

Dear Mr. Sheehan:

Enclosed herewith please find the original and eleven (11) copies of the Verified Petition and Verification filed on behalf of Comcast of Plainfield, LLC ("Comcast"), along with three (3) copies of Comcast's public Application for Renewal of a Certificate of Approval ("Application"), with respect to the above-referenced matter. Said copies of the Application have been redacted so as to protect certain confidential information contained therein. Confidential copies of the Application are being submitted simultaneously under separate cover, along with Comcast's request for confidential treatment, pursuant to N.J.A.C. 14:1-12 et seq.

Kindly file the Petition and please return the extra copy of this letter and Petition stamped "RECEIVED" in the self-addressed, stamped envelope provided herein.

Thank you for your kind consideration. Should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

Dennis C. Linken For the Firm

DCL:dp

cc:w/enc. Lawanda R. Gilbert, Acting Director (via first class mail)

Christopher J. White, Deputy Public Advocate (via first class mail

Abubakar Jalloh, City Clerk (via first class mail

Charles L. Smith III, Senior Director of Government and Regulatory Affairs

(via first class mail)



STATE OF NEW JERSEY **BOARD OF PUBLIC UTILITIES** OFFICE OF CABLE TELEVISION

SCARINCI & HOLLENBECK, LLC

1100 Valley Brook Avenue Lyndhurst, NJ 07071-0790

Phone: 201-896-4100 Attorneys for Petitioner Comcast of Plainfield, LLC File No. 41000.3000

IN THE MATTER OF THE PETITION OF COMCAST OF PLAINFIELD, LLC, FOR A

RENEWAL CERTIFICATE OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE) AND MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE CITY OF

PLAINFIELD, COUNTY OF UNION, STATE

OF NEW JERSEY

VERIFIED PETITION

Docket No.

Comcast of Plainfield, LLC (hereinafter, "Comcast" or "Petitioner"), hereby petitions the Honorable Board of Public Utilities (the "Board"), pursuant to N.J.S.A. 48:5A-15, 16 and 17, and N.J.A.C. 14:18-13.6, for renewal of a Certificate of Approval to continue to construct, operate and maintain its cable television system ("System") in the City of Plainfield, Union County, New Jersey ("City" or "Plainfield"). In support of its Petition, Petitioner states as follows:

COUNT ONE

Comcast, a limited liability company duly organized under the laws of the State of 1. Delaware, is a cable television company subject to the jurisdiction of the Office of Cable Television ("OCTV") and the Board, pursuant to N.J.S.A. 48:5A-1 et seq.

- Comcast maintains its principal offices at 73 Rock Ave., Plainfield, New Jersey
 07060.
- 3. On or about August 3, 1979, in Docket No. 795C-6470, pursuant to N.J.S.A. 48:5A-17(a) and (b), and N.J.S.A. 48:5A-28(c), the Board issued a Certificate of Approval to Plainfield Cablevision, Inc. to construct, operate and maintain a cable television system in the City. A copy of said Certificate of Approval is on file at the Board.
- 4. On or about September 1, 1988, Storer Cable Communications of the Plainfields, Inc., d/b/a Storer Cable Communications ("Storer"), pursuant to the Board's Order of Approval dated June 17, 1988 in Docket No. CM88060717, succeeded to the rights of Plainfield Cablevision, Inc.
- 5. Pursuant to an Order of Approval issued by the Board in Docket No. CM88080942 on or about September 22, 1988, the stock of Storer Communications, Inc. ("SCI"), parent of Storer, was transferred to Comcast Corporation, Tele-Communications, Inc. ("TCI") and Knight-Ridder, Inc. ("Knight-Ridder").
- 6. On or about April 13, 1989, in Docket No. CE88121314, pursuant to N.J.S.A. 48:5A-17(a) and (b), and N.J.S.A. 48:5A-28(c), the Board issued a Renewal Certificate of Approval ("1989 Renewal COA") to Storer to continue to construct, operate and maintain the System in the City. A copy of the 1989 Renewal COA is on file at the OCTV.
- 7. Pursuant to an Order of Approval issued by the Board in Docket No. CM92080843 on or about November 30, 1992, Comcast Corporation acquired TCI's and Knight-Ridder's interest in certain SCI subsidiaries, including Storer.
- 8. On or about April 12, 2001, in Docket No. CE01010030, pursuant to N.J.S.A. 48:5A-17(a) and (b), and N.J.S.A. 48:5A-28(c), the Board issued a Renewal Certificate of

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Approval ("2001 Renewal COA") to Petitioner, previously known as Comcast Cablevision of the Plainfields, Inc., to continue to construct, operate and maintain the System in the City. A copy of said 2001 Renewal COA is on file at the OCTV.

- 9. On or about April 11, 2012, in Docket No. CE09070571, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued an Automatic Renewal Certificate of Approval to Petitioner for the continued construction, operation and maintenance of the System in and for the City, as modified by the Board's Order of Amendment of a Renewal Certificate of Approval, also issued April 11, 2012, in Docket Nos. CE09110946 and CE04080880. A copy of said Automatic Renewal Certificate of Approval and said Order of Amendment is on file at the OCTV.
- 10. Pursuant to N.J.S.A. 48:5A-1 et seq. and N.J.A.C. 14:18-13.3(a)3, on or about October 29, 2013, Petitioner submitted an Application for Renewal of Municipal Consent (hereinafter the "Municipal Application") to continue to construct, operate and maintain the System in the City.
- 11. On or about March 20, 2014, a public hearing was held by the City with respect to Petitioner's Municipal Application, during which all interested persons desiring to be heard were so heard.
- 12. On or about February 9, 2015, the City adopted Ordinance MC2015-03 (the "Ordinance") granting to Petitioner renewal of its Municipal Consent ("Renewal of Municipal Consent") to continue to construct, operate and maintain the System in the City. A copy of the Ordinance is annexed hereto as Exhibit A.
- 13. On or about March 23, 2015, Comcast filed its formal acceptance of the terms and conditions of the Renewal of Municipal Consent granted by the City, pursuant to N.J.S.A. 48:5A-24. A copy of said letter of acceptance is annexed hereto as Exhibit B.

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- 14. The information pertaining to Comcast on file with the OCTV, together with the information contained in its Application for Renewal of a Certificate of Approval ("COA Application") pertaining to the City, simultaneously filed herewith, all of which is adopted by reference thereto, establishes the requisite criteria for the continued construction, operation and maintenance of the System in the City by Comcast.
- operation of the System. Further, as indicated in the COA Application and other information on file with the OCTV, Comcast possesses the necessary financial responsibility and the ability to perform efficiently the proposed services and those services that may be required by the public convenience and necessity during the renewal period. The public convenience and necessity generally support the appropriateness of the issuance of a Renewal Certificate of Approval for the City to Comcast.
- 16. Comcast has complied, and will continue to comply, with all rules, regulations and laws applicable to the construction, operation and maintenance of the System and will continue to provide safe, adequate and proper cable television service in the City and the other municipalities in which it serves.

COUNT TWO

- 17. Comcast repeats paragraphs 1 through 16 of COUNT ONE as if set forth fully hereinafter.
- 18. As set forth in the COA Application and other information on file at the OCTV, the Systems operated by Comcast in the City is part of larger regional cable television systems serving numerous other municipalities contiguous to and surrounding the City.

- 19. As also set forth in the COA Application and other information on file at the OCTV, the City represents an integral part of the Comcast regional cable television systems serving the counties of Essex, Hudson, Middlesex, Somerset and Union. In addition, the demographics of the City, as well as its location and other factors, mandate that cable television service be provided by Comcast as part of Comcast's regional systems.
- 20. The City portion of Comcast's Essex, Hudson, Middlesex, Somerset and Union County regional cable systems is necessary for the continued provision of safe, adequate and economical cable television service to the citizens and residents of the City and the larger cable television systems generally. Further, continuation of Comcast's operating authority in the City will avoid an unreasonable duplication of services that would otherwise be detrimental to the development of adequate cable television service.
- 21. Comcast is entitled to a renewal of its Certificate of Approval for the City, pursuant to the provisions of Section 17(b) of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- 22. Comcast believes that a Renewal Certificate of Approval for the City of Plainfield is necessary and proper for the public convenience and will serve the public interest for reasons which include, inter alia, the following:
- a. The grant of a Renewal Certificate of Approval to Comcast will ensure the continued provision of cable television service to the residents of the City;
- b. The services provided by Comcast as set forth in its COA Application are of great benefit to the citizens and residents of the City;

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The financial strength and technical expertise of Comcast are more than c.

adequate to continue to construct, operate and maintain its cable television system in the City;

and

d. Comcast, its officers and its directors, have vast experience in all aspects

of cable television. In particular, they possess and represent the highest degree of technical and

engineering competence, significant administrative experience and a demonstrated

responsiveness to community needs. In addition to the City, Comcast and other Comcast

affiliates hold Certificates of Approval or other authorization to construct, operate and maintain

cable television systems in more than 340 municipalities in New Jersey, as well as additional

communities in 38 other states and the District of Columbia.

WHEREFORE, Comcast hereby requests that the Honorable Board of Public Utilities

issue to Petitioner a Renewal Certificate of Approval to continue to construct, operate and

maintain a cable television system in and for the City of Plainfield.

Respectfully submitted,

SCARINCI & HOLLENBECK, LLC

Attorneys for Petitioner

Comcast of Plainfield, LLC

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STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES OFF ICE OF CABLE TELEVISION

SCARINCI & HOLLENBECK, LLC

1100 Valley Brook Avenue

Lyndhurst, NJ 07071-0790

Phone: 201-896-4100 Attorneys for Petitioner Comcast of Plainfield, LLC

File No. 41000.3000

IN THE MATTER OF THE PETITION OF COMCAST OF PLAINFIELD, LLC, FOR A

RENEWAL CERTIFICATE OF APPROVAL)
TO CONTINUE TO CONSTRUCT, OPERATE)

AND MAINTAIN A CABLE TELEVISION

SYSTEM IN AND FOR THE CITY OF PLAINFIELD, COUNTY OF UNION, STATE

OF NEW JERSEY

VERIFICATION

Docket No.

Charles L. Smith III hereby certifies as follows:

- 1. I am Senior Director of Government and Regulatory Affairs of Comcast of Plainfield, LLC, Petitioner in the within matter.
- I am familiar with the nature and contents of the Petition to which this
 Verification is annexed.
- 3. The allegations of the Petition are true and accurate to the best of my knowledge, information and belief.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me is willfully false, I may be subject to punishment.

Charles L. Smith III

Dated: April <u>24</u>, 2015