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March 8, 2017

Irene Kim Asbury, Secretary
NJ Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625

CE17030255

Re: In the Matter of the Petition of Comcast of South Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the City of Salem, County of Salem, State of New Jersey
Our File No. 41000.3000

Dear Secretary Asbury:

Enclosed herewith please find the original and eleven (11) copies of the Verified Petition and Verification filed on behalf of Comcast of South Jersey, 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 Linken /dp

Dennis C. Linken
For the Firm

DCL:dp

cc:w/enc. Lawanda R. Gilbert, Acting Director (via first class mail)
Maria T. Novas-Ruiz, Assistant Deputy Rate Counsel (via first class mail)
Barbara A. Wright, City Clerk (via first class mail)
Fred J. DeAndrea, Director of Government and Regulatory Affairs (via first class mail)

CMS
LEGAL
DAG
RPA
CABLE(6)

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION & TELECOMMUNICATIONS

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Attorneys for Petitioner
Comcast of South Jersey, LLC
File No. 41000.3000

BOARD OF PUBLIC UTILITIES

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IN THE MATTER OF THE PETITION OF)
COMCAST OF SOUTH JERSEY, LLC, FOR A)
RENEWAL CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN)
AND FOR THE CITY OF SALEM, COUNTY OF)
SALEM, STATE OF NEW JERSEY)
_____)

VERIFIED PETITION

Docket No.

Comcast of South Jersey, LLC (hereinafter “Comcast” or “Petitioner”), hereby petitions the Honorable Board of Public Utilities (the “Board”), pursuant to 47 U.S.C. §546(c), N.J.S.A. 48:5A-15, -16 and -17, N.J.A.C. 14:17-6.9 and N.J.A.C. 14:18-13.1 et seq., for renewal of a Certificate of Approval. In support of its Petition, Petitioner states as follows:

COUNT ONE

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

2. Comcast maintains its principal offices at 1191 Fries Mill Road, Franklinville, New Jersey 08322.

3. On or about January 12, 1987, in Docket No. CE86030322, 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 Tri-County Cable Television Company (“Tri-County”) to provide cable television service in the City of Salem, County of Salem, State of New Jersey (“City” or “Salem”). A copy of said Certificate is on file with the OCTV&T.

4. On May 1, 1996, in Docket No. CM95110598, the Board approved the transfer of the Certificate of Approval with respect to the City from Tri-County to Lenfest Atlantic, Inc. (“Lenfest”).

5. On September 25, 1996, in Docket No. CE96070506, the Board issued to Lenfest a Renewal Certificate of Approval to continue to provide cable television service in the City. A copy of said Renewal Certificate is on file with the OCTV&T.

6. On January 18, 2000, pursuant to the Order of Approval issued January 6, 2000 by the Board in Docket No. CM99110855, Lenfest became an indirect, wholly owned subsidiary of Comcast Corporation. Subsequently, on or about September 13, 2000, Lenfest’s name was formally changed to Comcast of South Jersey, Inc., now known as Comcast of South Jersey, LLC, Petitioner herein. A copy of said Order of Approval is on file at the OCTV&T.

7. On March 3, 2004, in Docket No. CE01100680, the Board issued to Petitioner a Renewal Certificate of Approval (the “2004 COA”) to continue to provide cable television service in the City. A copy of said Renewal Certificate is on file with the OCTV&T.

8. The 2004 COA, in accordance with its underlying municipal consent ordinance, reflected and included an automatic renewal provision, pursuant to which the Salem franchise would be subject to automatic renewal for a period of ten (10) years following its scheduled expiration date of January 12, 2017.

9. As set forth under N.J.A.C. 14:18-13.6(a)(1), applicable to ordinances which provide for automatic renewal, in the absence of notice at least sixty (60) days prior to expiration of the initial term of a franchise from either the cable television company or the municipality of its intention to not renew, a franchise will be deemed to automatically renew.

10. Neither the City nor Comcast provided notice of its intention to not renew the Salem franchise pursuant to N.J.A.C. 14:18-13.6(a)(1) prior to the deadline set forth therein for such action, as confirmed in Comcast's letter to the City dated December 12, 2016, a copy of which is annexed hereto as Exhibit A. As set forth therein, Comcast further confirmed its intention to exercise its rights under the automatic renewal provision of the 2004 COA.

11. As a result of the foregoing, Comcast's franchise in Salem shall be deemed to automatically renew.

12. The information pertaining to Petitioner on file with the OCTV&T, together with the information contained in its Application for Renewal of a Certificate of Approval ("COA Application"), simultaneously submitted herewith, all of which is adopted by reference thereto, establishes the requisite criteria for the continued construction, ownership, operation and management of a cable television system ("System") in Salem by Comcast.

13. Comcast possesses the requisite character and suitability for the continued operation of the System. Further, as indicated in the COA Application and other information on file with the OCTV&T, Comcast possesses the necessary financial integrity and the ability to perform efficiently the proposed services and those services which 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 to Petitioner.

14. Petitioner 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 of Salem and the other municipalities in which it serves.

COUNT TWO

15. Comcast repeats paragraphs 1 through 14 of COUNT ONE as if set forth fully hereinafter.

16. As set forth in the COA Application and other information on file at the OCTV&T, the System operated by Comcast in the City is part of larger regional Comcast and Comcast-affiliated cable television systems serving numerous other municipalities contiguous to and surrounding the City.

17. As also set forth in the COA Application and other information on file at the OCTV&T, the City represents an integral part of the Comcast and Comcast-affiliated regional cable television systems serving the counties of Camden, Burlington, Gloucester, Ocean and Salem. 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 and its affiliates' regional systems.

18. The City portion of Comcast's and its affiliates' Camden, Burlington, Gloucester, Ocean and Salem 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 which would otherwise be detrimental to the development of adequate cable television service.

19. Comcast is entitled to a renewal of its Municipal Consent and Certificate of Approval, pursuant to the provisions of Section 17(b) of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

20. Comcast believes that a Renewal Certificate of Approval for the City of Salem 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 safe, adequate and proper cable television service to the residents of the City;

(b) The services provided and to be provided by Comcast as set forth in its COA Application are and will be of great benefit to the citizens and residents of the City;

(c) The financial strength and technical expertise of Comcast are more than adequate to continue to construct, operate and maintain its cable television system in the City of Salem; and

(d) Comcast, its officers and 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 Salem, Comcast and its 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.

WHEREFORE, it is requested that this Honorable Board of Public Utilities issue to Comcast of South Jersey, LLC, a Renewal Certificate of Approval to continue to construct, operate and maintain a cable television system in the City of Salem.

Respectfully submitted,

SCARINCI & HOLLENBECK, LLC
Attorneys for Petitioner
Comcast of South Jersey, LLC

By: 
Dennis C. Linken

Dated: March 8, 2017

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION & TELECOMMUNICATIONS

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VERIFICATION

Docket No.

Fred J. DeAndrea, hereby certifies as follows:

1. I am Director of Government and Regulatory Affairs of Comcast of South Jersey, LLC, Petitioner in the within matter.
2. 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 are willfully false, I may be subject to punishment.



Fred J. DeAndrea

Dated: March 7, 2017