

DENNIS C. LINKEN | Partner

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December 6, 2017

Via FedEx Overnight Mail

Irene Kim Asbury, Secretary
Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
Trenton, NJ 08625



BOARD OF PUBLIC UTILITIES

DEC 08 2017

MAIL RECEIVED

Re: 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
Our File No. 41000.3000

Dear Secretary Asbury:

CE17121277

Enclosed herewith please find the original and eleven (11) copies of the Verified Petition and Verification filed on behalf of Comcast of New Jersey II, 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

Cms
LEGAL
DAG
RPA
CABLE(6)

cc: Lawanda R. Gilbert, Director (w/enc. via FedEx Overnight Mail)
Maria T. Novas-Ruiz, Assistant Deputy Rate Counsel (w/enc. via first class mail)
David Hughes, City Clerk (via first class mail (w/enc. via first class mail)
Charles L. Smith III, Senior Director of Government and Regulatory Affairs (w/enc. via first class mail)

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

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

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)
IN THE MATTER OF THE PETITION OF)
COMCAST OF NEW JERSEY II, LLC, FOR A)
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)
_____)

VERIFIED PETITION

Docket No.

Comcast of New Jersey II, 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 Summit, Union County, New Jersey ("City" or "Summit"). 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 800 Rahway Avenue, Union, New Jersey 07083.

3. On or about January 5, 1978, in Docket No. 778C-6312, pursuant to N.J.S.A. 48:5A-17, the Board issued a Certificate of Approval to Suburban Cablevision (“Suburban”) for the construction, operation and maintenance of the System in and for the City. A copy of said Certificate of Approval is on file at the OCTV&T.

4. On June 17, 1988, in Docket No. CE87070716, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval to Suburban for the continued construction, operation and maintenance of the System in and for the City. A copy of said Renewal Certificate of Approval is on file at the OCTV&T.

5. On or about November 30, 1994, pursuant to authorization granted by the Board in its Order of Approval in Docket No. CM94080365, Suburban became a wholly-owned indirect subsidiary of Comcast Corporation; Suburban subsequently changed its name to Comcast Cablevision of New Jersey, Inc., and later to Comcast of New Jersey II, LLC, Petitioner herein.

6. On or about September 2, 1999, in Docket No. CE99070454, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval to Petitioner for the continued construction, operation and maintenance of the System in and for the City. A copy of said Renewal Certificate of Approval is on file at the OCTV&T.

7. On or about October 23, 2008, in Docket No. CE08080573, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval to Petitioner (the “Comcast Renewal Certificate of Approval”), for the continued construction, operation and maintenance of the System in and for the City. A copy of the Comcast Renewal Certificate of Approval is on file at the OCTV&T.

8. The Comcast Renewal Certificate of Approval, in accordance with its underlying municipal consent ordinance (Ordinance No. 08-25, adopted by the City on or about May 20, 2008), reflected and included an automatic renewal provision, pursuant to which the Summit franchise would be subject to automatic renewal for a period of five (5) years following its scheduled expiration date of January 5, 2018.

9. As set forth under N.J.A.C. 14:18-13.6, applicable to ordinances which provide for automatic renewal, in the absence of notice at least 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 Summit franchise pursuant to N.J.A.C. 14:18-13.6 prior to the deadline set forth therein for such action, as confirmed in Comcast's letter to the City dated November 29, 2017, 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 Comcast Renewal Certificate of Approval.

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

12. Accordingly, pursuant to N.J.A.C. 14:18-13.6, Comcast hereby requests approval and implementation of the automatic renewal provision of the Comcast Renewal Certificate of Approval granted in Docket No. CE08080573, to continue to construct, operate and maintain the System in the City.

13. The information pertaining to Comcast on file with the OCTV&T, 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.

14. 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 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 an Automatic Renewal Certificate of Approval for the City to Comcast.

15. 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

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

17. 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 cable television systems (the “Comcast regional cable systems”) serving numerous other municipalities contiguous to and surrounding the City.

18. 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 regional cable systems serving the counties of Essex, Union, Middlesex and Hudson. 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 the Comcast regional cable systems.

19. The City portion of Comcast's and its affiliates' Essex, Union, Middlesex and Hudson 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.

20. 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.

21. Comcast believes that an Automatic Renewal Certificate of Approval for the City of Summit 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 an Automatic Renewal Certificate of Approval to Comcast will ensure the continued provision of cable television service to the residents of the City;

b. The services to be provided by Comcast as set forth in its COA Application are 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; 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 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 and the District of Columbia.

WHEREFORE, Comcast hereby requests that the Honorable Board of Public Utilities issue to Petitioner an Automatic Renewal Certificate of Approval to continue to construct, operate and maintain a cable television system in and for the City of Summit.

Respectfully submitted,

SCARINCI & HOLLENBECK, LLC
Attorneys for Petitioner
Comcast of New Jersey II, LLC

By: *Dennis Linken Hp*
Dennis C. Linken

Dated: December 6, 2017

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

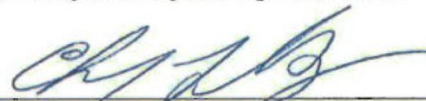
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Comcast of New Jersey II, LLC
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IN THE MATTER OF THE PETITION OF)
COMCAST OF NEW JERSEY II, LLC, FOR A) **VERIFICATION**
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR)
THE CITY OF SUMMIT, COUNTY OF UNION,)
STATE OF NEW JERSEY)
_____)
Docket No.

CHARLES L. SMITH III hereby certifies as follows:

1. I am Senior Director, Government and Regulatory Affairs, of Comcast of New Jersey II, 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.



Charles L. Smith III

Dated: December 1, 2017