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March 26, 2018

Ms. Irene Kim Asbury, Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 3rd Fl
PO Box 350
Trenton, NJ 08625-0350

RECEIVED
CASE MANAGEMENT

MAR 28 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

RECEIVED
MAR 28 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

RE: Service Electric Cable T.V. of Hunterdon, Inc.
Township of Pohatcong, Warren County, N.J.

Dear Ms. Asbury:

CE18030348

Enclosed for filing is a Petition filed in behalf of Service Electric Cable T. V. of Hunterdon, Inc., a cable television company of the State of New Jersey, for renewal of operating authority to continue to provide cable television service in the Township of Pohatcong, County of Warren. The original and ten copies of the Petition are enclosed. An electronic copy will be submitted to your office. The filing fee check in the amount of \$1,000 is enclosed as this is a Section 17d filing due to the arbitrary refusal of the Township of Pohatcong to follow the statutes involved..

By copy of this letter I am submitting a copy of the Petition to the Clerk of the Township of Pohatcong.

Please process this petition.

Please contact me if you have any questions concerning the above or the enclosed. Thank you.

EMIS
LEGAL
DAG
RPA
CABLE (6)

Very truly yours,

Thomas C. Kelly

c: with enclosure to:

Clerk, Township of Pohatcong

without enclosure:

Service Electric Cable T. V. of Hunterdon, Inc.

Lawanda Gilbert, Esq, Director, Office of Cable Television and Telecommunications

Thomas C. Kelly, Attorney at Law
175 Fairfield Avenue, Unit 1A
West Caldwell, N.J. 07006
Tel (973) 403-1661
Email: tcklaw@aol.com
Attorney for Petitioner Service Electric Cable T.V. of Hunterdon, Inc.

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

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

Service Electric Cable T.V. of Hunterdon, Inc.,
(hereinafter sometimes "Petitioner") a cable television company of
the State of New Jersey, with its principal place of business
being located at 2260 Avenue "A", Bethlehem, Pennsylvania 18017,
says in support of its petition for the Renewal of a Certificate
of Approval:

1. Petitioner is a cable television company currently authorized to provide cable television reception service and communication services in six Hunterdon County municipalities and in six Warren County municipalities. One of the Warren County municipalities is the Township of Pohatcong (hereinafter sometimes "Municipality", "Township" or "Pohatcong"), the subject of this petition. Petitioner is a wholly-owned subsidiary of Service Electric Television, Inc. which is a holding company that also owns stock of a cable television entity serving a portion of Sussex County and the stock of non New Jersey companies engaged in providing cable television service in many municipalities in the State of Pennsylvania.

2. Petitioner holds a Certificate of Approval (hereinafter "Certificate") for the operation of a cable television and communications system in Pohatcong, Warren County, N.J. issued by Your Honorable Board of Public Utilities (hereinafter sometimes "Board") on October 12, 2006 in Docket No.CE05110960 which Certificate is part of the files of the Board of Public Utilities and is incorporated herein by reference as though set out in full herein.

3. That Certificate of Approval incorporated a municipal consent ordinance that had been adopted by the Municipality on or about May 10, 2006 and identified as "06-11 Ordinance". The Ordinance granted a twelve year franchise term to

Petitioner. That ordinance is part of the files of the Board of Public Utilities in Docket No CE05110960 and is incorporated herein by reference as though set out in full herein.

4. Among other provisions that Ordinance provided:

A. ... the Company continues to possess the necessary legal, technical, character, financial, and other qualifications..

B.. The Township reserved the right to petition the Board to seek its assistance to enforce or terminate the franchise if Petitioner did not comply with the authority granted. No such assistance has been sought.

C. The Ordinance provides for Complaint Procedures. All of the procedures have been complied with during the franchise term.

D. The Ordinance provided for meetings with the Petitioner and Township at the Townships request. No such meetings with the Township were ever requested by the Township.

E. The Ordinance provided for provisions to be given by the Petitioner. Those provisions and more have been provided by Petitioner.

5. On or about December 18, 2015 Petitioner gave notice of its intention to commence the renewal process as provided by `Section 626 of the Cable Communications Policy Act of 1984, as amended, (codified at 47 U.S.C.1 et seq) ("the Federal Act"). See Exhibit A. The Township did not undertake any

ascertainment proceedings nor did it issue a Report to the Petitioner concerning the renewal.

6. Thereafter, the Office of Cable Television informed the Municipality of the procedures to be followed if the municipality wished to do so.

7. The Petitioner was not asked to participate in any formal ascertainment proceedings contemplated by the Federal Act.

8. On or about January 10, 2018 Petitioner filed an Application for Renewal of Municipal Consent together with the requisite filing fee with the Township of Pohatcong pursuant to the New Jersey Cable Television Act (N.J.S.A. 48:5A-1 et seq.) A copy of that Application was provided to the Office of Cable Television. The application included provisions typically requested by municipalities conducting ascertainment proceedings in areas served by Petitioner. See Exhibit B.

9. Thereafter, the Municipality did nothing with respect to the Application filed by Petitioner. It did not schedule a public hearing; it did not publish a notice of such a hearing; nor did it hold a public hearing. All of such actions are required by law.

10. Petitioner adopts by reference the records of the

Office of Cable Television with respect to the Petitioner's legal, technical, financial and character qualifications.

11. Petitioner has in the past complied with and further agrees to comply in the future with all lawful Orders of the Board and all Federal and State laws and regulations pertaining to the provision of cable television service.

12. Attached as Exhibit C is the OCTV form Application for a Cable Television Franchise Renewal.

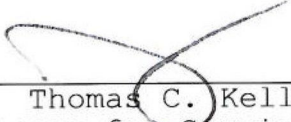
13. The disregard of the Federal ascertainment process together with inactions of the Township of Pohatcong that are mandated by N.J. law constitute an arbitrary refusal under the provisions of the NJ Cable Television Act warranting the direct certification to Petitioner by your honorable Board of Public Utilities.

WHEREFORE, Petitioner respectfully requests that Your Honorable Board of Public Utilities renew the Certificate of Approval, pursuant to law; renew the authority of Petitioner to continue to operate its cable television and cable communications system in the Township of Pohatcong, County of Warren; for a period of fifteen years from the issuance of the Renewal Certificate of Approval.

Law Office of Thomas C. Kelly

Dated: *March 27, 2018*

by



Thomas C. Kelly

Attorney for Service Electric Cable
T.V. of Hunterdon, Inc.

All notices and communications with respect to this petition should be addressed to Thomas C. Kelly, Attorney for Petitioner, 175 Fairfield Ave., Unit 1A, West Caldwell, N.J. 07006, Telephone (973) 403 1661, email: tcklaw@aol.com.

Verification

State of Pennsylvania

County of Lehigh

John Capparell, of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am the General Manager of the Petitioner's system in the within petition.

2. I have read the within petition and the exhibits attached thereto and state that to the best of my knowledge and belief, the information contained therein is true and correct.

3. I have not made independent inquiry with respect to the matters set forth in the petition.

Sworn to and subscribed
before me this 22nd day of
March 2018

Terese M. Cudwadie

John Capparell

