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RECEIVED
CASE MANAGEMENT

AUG 09 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

August 8, 2018

Via Email (aida.camacho@bpu.nj.gov) and FedEx Overnight Mail

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue
3rd Floor, Suite 314
Trenton, NJ 08625

BOARD OF PUBLIC UTILITIES

AUG 09 2018

CE18080861

MAIL RECEIVED

Re: In the Matter of the Amended Petition of Comcast of New Jersey II, LLC, for Modification of the Terms and Conditions of a Municipal Consent Upon Which a Certificate of Approval is Based
Our File No. 41000.3000

Dear Secretary Camacho-Welch:

We write on behalf of Petitioner Comcast of New Jersey II, LLC ("Petitioner"), in connection with the above-captioned matter.

On July 25, 2018, we filed a Petition on behalf of Petitioner, seeking approval of the modification of the terms and conditions of a municipal consent upon which a Certificate of Approval is based with regard to the Borough of South River. The Petition further requested relief on behalf of Petitioner's parent, Comcast Cable Communications, LLC, seeking approval to close and relocate an office. We subsequently received a telephone call from Staff of the Board advising of the need to designate a single entity as the petitioner and the inability to assign two docket numbers to the matter (one to each request for relief).

Accordingly, attached hereto please find the original and 11 copies of an Amended Petition in which Comcast of New Jersey II, LLC, is the petitioner, pertaining to its request to modify the terms and conditions of the South River municipal consent.

It would be appreciated if your office would kindly date stamp the extra copy of this cover letter and the Amended Petition and return same in the stamped, self-addressed envelope enclosed for your convenience. A separate petition is being filed on behalf of Comcast Cable Communications, LLC, with respect to its office closure and relocation request.

CMS
LEGAL
DAG
RPA

L. GILBERT
H. Bond
CABLE (4)


Aida Camacho-Welch, Secretary

August 8, 2018

Page 2

Thank you for your kind attention. Needless to say, should you have any questions, please do not hesitate to contact me.

Very truly yours,



Dennis C. Linken

For the Firm

DCL/dp

cc: James P. Nolan, Esq. (w/enc. jnolan@jpnlaw.us & first class mail)
Lawanda R. Gilbert, Director (w/enc. lawanda.gilbert@bpu.nj.gov & FedEx)
Stephanie A. Brand, Director (w/enc. sbrand@rpa.nj.gov & first class mail)
Maria T. Novas-Ruiz, Assistant Deputy Rate Counsel
(w/enc. mnovas-ruiz@rpa.nj.gov & first class mail)
Patricia O'Connor, City Clerk (w/enc. via first class mail)
Donna Thomas (w/enc. donna.thomas@bpu.nj.gov & FedEx)
Charles L. Smith III, Sr., Director of Government and Regulatory Affairs
(w/enc. Charles_Smith4@comcast.com)

AUG 09 2018

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

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

SCARINCI & HOLLENBECK, LLC
ATTORNEYS AT LAW
1100 Valley Brook Avenue
Lyndhurst, New Jersey 07071-0790
(201) 896-4100
Attorneys for Petitioner
Comcast of New Jersey II, LLC
Our File No. 41000.3000

BOARD OF PUBLIC UTILITIES

AUG 09 2018

MAIL RECEIVED

AMENDED VERIFIED PETITION

DOCKET NO.

IN THE MATTER OF THE PETITION OF
COMCAST OF NEW JERSEY II, LLC, FOR
MODIFICATION OF THE TERMS AND
CONDITIONS OF A MUNICIPAL
CONSENT UPON WHICH A
CERTIFICATE OF APPROVAL IS BASED

Comcast of New Jersey II, LLC ("Comcast"¹ or "Petitioner") hereby petitions the Honorable Board of Public Utilities (the "Board"), pursuant to N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:17-6.7, for modification of the terms and conditions of a municipal consent upon which a Certificate of Approval is based. This Petition is engendered by the agreement of Comcast and the Borough of South River ("Borough" or "South River") and the modification by the Borough of Ordinance 2001-5, authorizing Comcast to provide cable television service in and to the Borough, as set forth more fully herein.² In support of the within Petition, Petitioner states as follows:

¹ The term "Comcast" may also be used herein to denote the "Comcast" family of cable operators, depending upon context.

² Petitioner's parent, Comcast Cable Communications, LLC ("CCC"), is simultaneously filing a related Petition with the Board seeking permission to close and relocate Comcast's South River legacy store, located at 72 Main St. A copy of said Petition is annexed hereto as Attachment I.

MODIFICATION OF MUNICIPAL CONSENT

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 June 19, 1980, in Docket No. 801C-6621, 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 a cable television system (“System”) in and for the Borough. A copy of said Certificate of Approval is on file at the OCTV&T.

4. On May 21, 1992, in Docket No. CE90101225, 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 Borough. 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 June 6, 2001, in Docket No. CE01030189, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval (“Renewal COA”) to Petitioner for the continued construction, operation and maintenance of the System in and for the Borough. A copy of said Renewal COA is on file at the OCTV&T.

7. On or about October 15, 2015, in Docket No. CE15050621, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued an Automatic Renewal Certificate of Approval (“Automatic Renewal COA”) to Petitioner for the continued construction, operation and maintenance of the System in and for the Borough. A copy of said Automatic Renewal COA is on file at the OCTV&T.

8. The Automatic Renewal COA granted in Docket No. CE15050621 was premised upon underlying municipal consent Ordinance 2001-5, adopted by the Borough on February 12, 2001 (the “2001 Ordinance”). A copy of the 2001 Ordinance is on file at the OCTV&T. The renewal period granted to Petitioner under the 2001 Ordinance, as set forth in the Renewal COA, was fifteen (15) years, with an automatic renewal period thereafter of ten (10) years. Thus, as stated in the Automatic Renewal COA, the expiration date of the automatic renewal term is June 19, 2025.

9. On or about June 25, 2018, following discussions and agreement between Comcast and South River, the Borough adopted Ordinance 2018-21 (the “2018 Ordinance”), modifying the 2001 Ordinance. A copy of the 2018 Ordinance is annexed hereto as Exhibit A. The 2018 Ordinance and the 2001 Ordinance, together, are hereinafter referred to as the “Ordinance”.

10. The 2018 Ordinance modifies the 2001 Ordinance as follows:

- Section 1. a) of the 2018 Ordinance clarifies that, in accordance with N.J.A.C. 14:18-5.1, Comcast shall maintain a business office or agent, currently located in Union, New Jersey, for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters.

- Section 1. b) of the 2018 Ordinance states that, commencing as soon as may be practical, Comcast shall open a new Xfinity Store, which shall serve the South River community and which

The Summit Fire House; and
The Jackson Street Fire House.

Free monthly basic cable television service on said outlets shall include equipment charges. Installation of each additional outlet shall be paid for by the Borough on a materials plus labor basis. Monthly service charges shall be waived on all additional outlets, except for equipment charges. Comcast shall also provide courtesy high-speed internet service to one non-networked computer in each of the facilities listed above. To be entitled to receive courtesy cable television and internet services, the above facilities must be located within 200 feet of active cable distribution plant.

11. By letter dated July 2, 2018, a copy of which is annexed hereto as Exhibit B, Comcast formally accepted the terms of the Ordinance.

12. Accordingly, Comcast hereby requests that the Board approve the modification of the 2001 Ordinance as set forth under the 2018 Ordinance.

WHEREFORE, it is respectfully requested that this Honorable Board of Public Utilities approve of the modification of the terms and conditions of the underlying municipal consent ordinance upon which the Automatic Renewal COA is based, as set forth more particularly in the Ordinance.

Respectfully submitted,

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

By: *Dennis Linken / dp*
Dennis C. Linken

Dated: August 8, 2018

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

SCARINCI & HOLLENBECK, LLC
ATTORNEYS AT LAW
1100 Valley Brook Avenue
Lyndhurst, New Jersey 07071-0790
(201) 896-4100
Attorneys for Petitioner
Comcast of New Jersey II, LLC
Our File No. 41000.3000

IN THE MATTER OF THE PETITION OF COMCAST OF NEW JERSEY II, LLC, FOR MODIFICATION OF THE TERMS AND CONDITIONS OF A MUNICIPAL CONSENT UPON WHICH A CERTIFICATE OF APPROVAL IS BASED	VERIFICATION DOCKET NO.
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ROBERT F. SMITH hereby certifies as follows:

1. I am Vice President of Government Affairs of Comcast Cable Communications, LLC, parent of Comcast of New Jersey II, LLC, Petitioner in the within matter.
2. I am familiar with the nature and contents of the Amended Petition to which this Verification is annexed.
3. The allegations of the Amended 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.



Robert F. Smith

Dated: August 6, 2018

Exhibit A

SECTION 4. Within 90 days of approval by the Board of Comcast's Petition to close its South River legacy store, Comcast shall establish the Borough of South River as a third-party entity for the purpose of collecting bill payments from Comcast's resident and non-resident customers. This arrangement shall be subject to termination by Comcast at the expiration of its current franchise with the Borough.

SECTION 5. Comcast shall provide free installation of and free monthly basic cable television service on one outlet in each of the following locations:

- Administration Building, located at 48 Washington Street;
- Human Services Building, located at 55 Reid Street;
- The Police Department;
- Borough Hall;
- The Summit Fire House; and
- The Jackson Street Fire House.

Free monthly basic cable television service on said outlets shall include equipment charges. Installation of each additional outlet shall be paid for by the Borough on a materials plus labor basis. Monthly service charges shall be waived on all additional outlets, except for equipment charges. Comcast shall also provide courtesy high-speed internet service to one non-networked computer in each of the facilities listed above. To be entitled to receive courtesy cable television and internet services, the above facilities must be located within 200 feet of active cable distribution plant.

SECTION 6. The various parts, sections, clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 7. Any ordinances and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

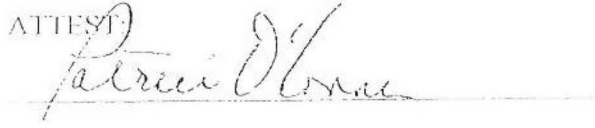
SECTION 8. This Ordinance shall take effect upon final adoption and publication as may be required by law.

Dated: 6/26/18

APPROVED:


JOHN M. KRENZ, MAYOR

ATTEST:


PATRICIA O'CONNOR, Registered Municipal Clerk

CERTIFICATION

I, Patricia O'Connor, Borough Clerk of the Borough of South River, do hereby certify that the above copy of Ordinance 2018-27 introduced and adopted on First Reading by the Borough Council of the Borough of South River at a meeting held on June 19, 2018, as adopted on Final Reading by the Borough Council of the Borough of South River at a meeting held on June 26, 2018.



July 2, 2018

Hon. John M. Krenzel
And Members of the Governing Body
Borough of South River
48 Washington Street
South River, NJ 08882

Dear Mayor Krenzel and Members of the Governing Body:

On or about June 28, 2018 we received a certified copy of the Borough of South River Ordinance #2018-21 adopted on June 25, 2018 and amending Borough Ordinance #2001-5 which granted Renewal of Municipal Consent to Comcast of New Jersey II, LLC to continue to operate and maintain a cable television and communications system in South River.

Comcast hereby accepts the terms and conditions of Ordinance #2001-5 as amended by Ordinance #2018-21. As you may know, Comcast must now petition the New Jersey Board of Public Utilities for issuance of a renewal Certificate of Approval.

Also, I would like to express a sincere thank you to Business Administrator Jack Layne and Council President Sean Haussermann for their professionalism demonstrated throughout this settlement and amendment process.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles L. Smith III", is written over a horizontal line.

Charles L. Smith III
Director of Government and Regulatory Affairs

cc: Patricia O'Conner, Borough Clerk
Lawanda R. Gilbert, Director, NJBPU Office of Cable Television
Stephanie Kosta, Vice President Government Affairs
Dennis C. Linken, Esq., Scarinci Hollenbeck

ATTACHMENT 1

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

SCARINCI & HOLLENBECK, LLC
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1100 Valley Brook Avenue
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(201) 896-4100
Attorneys for Petitioner
Comcast Cable Communications, LLC
Our File No. 41000.3000

IN THE MATTER OF THE PETITION OF
COMCAST CABLE COMMUNICATIONS,
LLC, FOR PERMISSION TO CLOSE AND
RELOCATE A CUSTOMER SERVICE
OFFICE

VERIFIED PETITION

DOCKET NO.

Comcast Cable Communications, LLC (“CCC” or “Petitioner”), parent of the “Comcast” family of cable operators, including Comcast of New Jersey II, LLC (“Comcast”)¹, pursuant to N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:18-5.1, hereby petitions the Board of Public Utilities (“Board”) for permission to close and relocate a customer service office. This Petition is engendered by the agreement of Comcast and the Borough of South River (“Borough” or “South River”) and the modification by the Borough of Ordinance 2001-5, authorizing Comcast to provide cable television service in and to the Borough, as set forth more fully herein.² In support of the within Petition, Petitioner states as follows:

¹ The term "Comcast" shall be used throughout to mean either Comcast of New Jersey II, LLC, or the "Comcast" family of cable operators, depending upon the context.

² CCC's subsidiary, Comcast, is simultaneously filing a related Petition with the Board seeking approval of the modification of the terms and conditions upon which the South River Certificate of Approval is based. A copy of said Petition is annexed hereto as Attachment I.

CLOSURE AND RELOCATION OF OFFICE

1. Comcast acquired the cable television system serving the Borough in 1994, through the acquisition by Comcast Corporation of Suburban Cablevision (“Suburban”). In the process, CCC inherited various existing customer services offices operated by Suburban, including the South River legacy store located at 72 Main Street. The premises are not owned by CCC.

2. At its South River legacy store, CCC performed general customer service functions in connection with the operation of Comcast's cable television system serving South River, including, for example, addressing billing questions, receiving payments, and equipment pick-up and drop-off.

3. On or about January 11, 2018, a pipe burst within the premises of the South River legacy store. During an inspection with regard to the work necessary to repair the damages, CCC observed what was suspected to be insulation material containing asbestos, noting also that such material had been disturbed. As a result, the store was evacuated and the location was locked. Comcast notified the Office of Cable Television & Telecommunications at that time of the emergency and posted a sign at the premises notifying customers and advising customers of the nearest office location (in neighboring East Brunswick, a short 1.6 mile drive from the South River legacy store). Comcast also notified Borough officials of the situation. Subsequent testing confirmed the presence of asbestos at the premises.

4. By the end of March 2018, the initial asbestos issue related to the burst pipe was abated and follow-up testing was completed. In early April 2018, when it became safe to do so, CCC performed an air quality inspection to confirm that conditions were safe for customers and employees. However, that testing revealed additional environmental concerns, including evidence of mold. As a result, the South River legacy store has remained closed.

5. Under the circumstances, Comcast approached South River officials to discuss the possibility of permanently closing the South River legacy store. Such discussions have proved fruitful and the Borough has consented to the closure of the South River legacy store on certain conditions, as memorialized in Ordinance 2018-21, adopted on June 25, 2018 (the “2018 Ordinance”). A copy of the 2018 Ordinance is annexed hereto as Exhibit A. Among other things, as set forth in said Ordinance, CCC shall open a new Xfinity Store to serve the South River community. Such Xfinity Store shall be located within a 5 mile radius of the South River legacy store. In addition Comcast shall pay to the Borough a one-time grant in the amount of \$185,000. Comcast shall also designate the Borough as a third-party entity for the purpose of collecting bill payments. Further, Comcast shall provide free basic cable television service to one outlet in the Borough Administration Building, the Human Services Building, the Police Department, Borough Hall, the Summit Firehouse and the Jackson Street Firehouse. [A full list of Comcast’s commitments is set forth in the 2018 Ordinance.]

6. Because discussions with the Borough were reaching a successful conclusion, Comcast determined not to renew its lease at 72 Main Street, which expired in June. Comcast recognizes its obligation in these circumstances to seek permission from the Board to close its legacy store, which is the subject of this petition. However, the location would have required substantial environmental remediation and reconstruction, which did not make economic or business sense. In addition, pursuant to its agreement with the Borough of South River as set forth more fully below, Comcast will maintain a presence in South River via its arrangement with the Borough to take payments from Comcast’s customers in South River and in the surrounding area.

7. Replacement of the South River legacy store with a new, modern Xfinity Store is a part of CCC’s on-going business strategy to improve the customer experience by replacing older

window counter facilities with a more interactive, technologically sophisticated and engaging space. CCC has opened or built eleven (11) new Xfinity Stores to date in New Jersey. Existing Xfinity Stores throughout the State have proven to be positive developments, and CCC's planned Xfinity Store is similarly expected to enhance the customer experience for South River residents. Many local officials, including those of South River, have seen the wisdom in this approach as well.

Staffing

Xfinity Stores generally are larger and better staffed; are open more hours per week, including Saturdays and Sundays; do not close at lunchtime when many customers seek to transact business without missing work; offer on-site parking; and have excellent access to public transportation.

Locations

Xfinity Stores are being located in larger retail shopping areas, such as near shopping malls and grocery stores and in large strip malls. As a result, customers who opt to visit a physical location to interact with Comcast are often able to plan to do so while running other errands.

Better Facilities and Hours

A typical Xfinity Store is between 3,500 and 4,500 square feet and with recently expanded hours is open 9:00 a.m. to 8:00 p.m. Monday through Saturday, and from 11:00 a.m. to 5:00 p.m. on Sundays – a total of 71 hours per week. In contrast, the older stores have generally been open 40 hours per week.

No Lines

This reinvention of the retail customer experience involves major changes to the in-store experience designed entirely around the needs of Comcast's customers. CCC is redesigning the stores, adding staff, and introducing new time-saving capabilities. A new queueing system allows customers to pass any waiting time exploring and being entertained within the store instead of standing in line. Xfinity Stores feature large screen flat-screen TVs equipped with Comcast's X1 operating system and a lounge area where customers can try out Comcast's services on iPad apps.

Full Service

Comcast customers can visit the Xfinity Store to exchange or return equipment, sign up for service, pay bills, and receive assistance. As always, these transactions do not carry additional fees. Customers receive personalized service from trained and knowledgeable Sales Consultants and can make use of self-service kiosks for quick bill payments.

8. CCC is locating a suitable place for an Xfinity Store, which, along with preparing the location for opening, requires substantial lead time. During this preparation period, South River customers may continue to do business with Comcast at our existing East Brunswick location at 3 Auer Court, a short 1.6 mile drive from the South River legacy store. Of course, customers who choose to do business in-person are not limited to East Brunswick, as they may transact business at any convenient customer service center or Xfinity Store.

9. Customers may drop off equipment for return to Comcast at any convenient UPS location which may be found at: https://www.ups.com/dropoff?loc=en_US. Customers may have equipment shipped to them for a fee, depending on the type of equipment.