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CASE MANAGEMENT

AUG 31 2018



BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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*Sept 4, 2018*

State of New Jersey  
DIVISION OF RATE COUNSEL  
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AUG 31 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

STEFANIE A. BRAND  
Director

**Via Electronic and Regular Mail**

August 29, 2018

Ms. Aida Camacho, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 3rd Fl., Rm 314  
P.O. Box 350  
Trenton, New Jersey 08625-0350

Re: I/M/O the Petition of Comcast Cable Communications, LLC for Permission to  
Close and Relocate a Customer Service Office **BPU Docket No.: CO18080862**

Dear Secretary Camacho:

The New Jersey Division of Rate Counsel ("Rate Counsel") has reviewed the above referenced Petition of Comcast Cable Communications, LLC ("Petitioner" "Comcast" or "CCC") requesting permission from the New Jersey Board of Public Utilities ("Board") to close and relocate a local customer service business office located in the Borough of South River ("Borough" or "South River") within CCC's service territory known as the South River legacy store located at 72 Main Street in South River. Rate Counsel submits the within comments for the Board's consideration. Enclosed with this original please find ten copies, kindly return a date/stamped "Received" and/or "Filed" copy to Rate Counsel for its file. For the reasons that follow, Rate Counsel does not object to Board approval of Petitioner's request.

Comcast states that on or about January 11, 2018, the repair of a burst pipe resulted in the detection of asbestos at the South River legacy office. The office was evacuated and remediation was finished in March of 2018, when at the time air quality tests detected evidence of mold and based on these environmental concerns the office has since remained closed. Since January 11, customers were redirected to visit the nearest Comcast office, located 1.6 miles away in East Brunswick.<sup>1</sup> Petitioner noted that operation of South River's legacy office is part and parcel of the Borough's Certificate of Approval; therefore before renewing the lease at the legacy office location, Petitioner requested the Borough's consent to permanently close the South River office location.<sup>2</sup> The Borough of South River has consented to the closure on certain conditions memorialized in Ordinance 2018-21, adopted by the Borough Council on June 25, 2018, which include among other conditions a one-time grant of \$185,000.00; provision of free installation and free monthly basic cable television service on one outlet at each of six municipal locations noted, including high-speed internet service to one non-networked computer at each of the six municipal facilities named in the Ordinance.<sup>3</sup> Petitioner has also agreed to replace the South River legacy office with a new "Xfinity Store" to be located within a five mile radius of

<sup>1</sup> Petition at p. 2.

<sup>2</sup> Id., at p. 3. In connection with this matter Petitioner has filed for Board review and approval an Amended Verified Petition *IMO 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*, BPU docket CO18080861.

<sup>3</sup> Id.

*Case Mgmt  
list Copies*

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the South River legacy office.<sup>4</sup> The Xfinity Store will be a “more innovative, technologically sophisticated and engaging space, roughly 3,500 to 4,500 square feet located in a larger retail shopping area, with access to public transportation that will offer free on-site parking and will have expanded hours of operation for a total of 71 hours per week including Saturdays and Sundays, in comparison to the legacy office’s 40-hours per week availability.”<sup>5</sup> In the meantime, Comcast customers may continue to use the East Brunswick office 1.6 miles away or may drop off equipment for return to Comcast at a UPS location or visit any other Comcast office location of their convenience and may continue to pay bills free of charge by phone, online, by mail and at the municipality, as well as at other designated area store locations (i.e. CVS) which may entail a small retail merchant service fee for the processing of payment.<sup>6</sup>

Rate Counsel notes that the Council for the Borough of South River has consented to closure of the legacy office in exchange for certain considerations mentioned heretofore and in contemplation of the future opening of a new Xfinity Store and has passed a Municipal Ordinance memorializing the change of terms in the Municipal Consent agreement between the Borough and Petitioner.<sup>7</sup> Petitioner asserts that customers were notified of the legacy office closure by the posting of a Notice at the legacy store premises and the publishing of a Public Notice in connection with its Petition for closure submitted to a general circulation newspaper in South River, same having been filed with the Borough Clerk.<sup>8</sup> Moreover, Petitioner states that the office closure and contemplated future opening of a new hi-tech Xfinity Store with access to expanded technology, service hours, more employees, increased space and free parking within a five mile radius of the South River legacy store is reasonable, will meet additional customer service demands, will not unduly prejudice customers and is thereby in the public’s interest.<sup>9</sup>

After review of the Petition, exhibits, attachments and additional information provided by Petitioner in this matter, Rate Counsel is satisfied that the office closure and contemplated future new Xfinity Store negotiated by and between Petitioner and the Council members on behalf of the Borough of South River will not unduly prejudice the public interest of ratepayers and meets the standards set forth by *N.J.A.C. 14:18-5.1(a) and (c)*. Rate Counsel has no objection to Board approval of Petitioner’s requests under this Petition.

Sincerely,

Stefanie A. Brand, Esq.,  
Director,

New Jersey Division of Rate Counsel



Maria T. Novas-Ruiz, Esq.

Assistant Deputy Rate Counsel

MNR/td  
cc: Service List

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<sup>4</sup> Petition at p. 3.

<sup>5</sup> Id., pp. 4-6.

<sup>6</sup> Id.

<sup>7</sup> Petition at p. 3 and Exhibit A, copy of Ordinance 2018-21, Exhibit B Comcast Letter of July 2, 2018 to Mayor & Governing Body Borough of South River, and Attachment 1, Amended Verified Petition *IMO 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*, BPU docket CO18080861.

<sup>8</sup> Rate Counsel notes that Petitioner has submitted further documentation and exhibits in response to Board Staff requests including an affidavit and certification regarding Proof of Publication and Proof of Service attached to Petitioner letter dated August 17, 2018.

<sup>9</sup> Petition at pp. 6-7.

**I/M/O Petition of Comcast Cable  
Communications, LLC for  
Permission to Close and Relocate a  
Customer Service Office**

**BPU Docket No. CO18080862  
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