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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

September 17, 2018

**Via FedEx Overnight Mail**

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

CE 18090998

Re: In the Matter of the Petition of Comcast of Garden State L.P., for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Berlin County of Camden, State of New Jersey  
Our File No. 41000.3000

Dear Secretary Camacho-Welch:

Enclosed herewith please find the original and eleven (11) copies of the Verified Petition and Verification filed on behalf of Comcast of Garden State L.P. ("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 Application and please return the extra copy of this letter, Petition and Application 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 ldp*

Dennis C. Linken  
For the Firm

DCL/dp

CMS  
Legal  
DFG  
RPA  
CABLE (6)

cc/w/enc. Lawanda R. Gilbert, Director (via Fedex Overnight Mail)  
Maria T. Novas-Ruiz, Assistant Deputy Rate Counsel (via first class mail)  
Lois Sahina, Borough Clerk (via first class mail)  
Fred J. DeAndrea, Senior Director of Government and Regulatory Affairs (via email)

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

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BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

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Lyndhurst, NJ 07071-0790  
Phone: 201-896-4100  
Attorneys for Petitioner  
Comcast of Garden State L.P.  
File No. 41000.3000

\_\_\_\_\_)  
IN THE MATTER OF THE PETITION OF )  
COMCAST OF GARDEN STATE L.P., FOR A )  
RENEWAL CERTIFICATE OF APPROVAL )  
TO CONTINUE TO CONSTRUCT, OPERATE )  
AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN AND FOR THE BOROUGH OF )  
BERLIN, COUNTY OF CAMDEN, STATE OF )  
NEW JERSEY )  
\_\_\_\_\_)

**VERIFIED PETITION**

Docket No.

Comcast of Garden State L.P. (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 a cable television system ("System") in the Borough of Berlin, Camden County, New Jersey ("Borough" or "Berlin"). In support of its Petition, Petitioner states as follows:

COUNT ONE

1. Comcast, a limited partnership 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 1250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034.

3. On or about September 7, 1978, in Docket No. 788C-6388, 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 Audubon Electronics, Inc. (“Audubon”) to provide cable television service in the Borough. A copy of said Certificate is on file with the OCTV&T.

4. On or about November 6, 1980, in Docket No. 8010C-6721, the Board approved the transfer of the System, including the Certificate of Approval with respect to Berlin, from Audubon to New York Times Cable Company of New Jersey (“NYT”).

5. On or about July 26, 1989, in Docket No. CM89030342, the Board approved the transfer of the System, including the Certificate of Approval with respect to Berlin, from NYT to Garden State Cablevision, L.P. (“Garden State”).

6. On or about October 12, 1994, in Docket No. CE93100430, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval to Garden State for the continued construction, operation and maintenance of the System in and for the Borough. A copy of said Certificate of Approval is on file at the OCTV&T.

7. On or about January 5, 2000, in Docket No. CM99110855 the Board authorized the merger Lenfest Communications, Inc., which owned a 50% interest in Garden State, with and into a wholly-owned indirect subsidiary of Comcast Corporation, which owned the remaining 50% interest. As a result of said merger, Garden State, later renamed Comcast of Garden State L.P., Petitioner herein, became indirectly wholly-owned by Comcast Corporation.

8. On or about June 8 2005, in Docket No. CE04040269, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval (the “2005 COA”) to

Petitioner for the continued construction, operation and maintenance of the System in and for the Borough. A copy of said Certificate of Approval is on file at the OCTV&T.

9. The 2005 COA, in accordance with its underlying municipal consent ordinance, reflected and included an automatic renewal provision, pursuant to which the Berlin franchise would be subject to automatic renewal for a period of five (5) years following its scheduled expiration date of September 7, 2018.

10. 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.

11. Neither the Borough nor Comcast provided notice of its intention to not renew the Berlin 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 Borough dated August 7, 2018, 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 2005 COA.

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

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 Borough, 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 Borough 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 a Renewal Certificate of Approval for the Borough 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 Borough 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 Borough is part of larger regional cable television systems serving numerous other municipalities contiguous to and surrounding the Borough.

18. As also set forth in the COA Application and other information on file at the OCTV&T, the Borough represents an integral part of the Comcast regional cable television systems serving the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem. In addition, the demographics of the Borough, 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.

19. The Borough portion of Comcast's and its affiliates' Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester 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 Borough and the larger cable television systems generally. Further, continuation of Comcast's operating authority in the Borough 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 Borough, 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 a Renewal Certificate of Approval for the Borough of Berlin 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 cable television service to the residents of the Borough;

b. The services provided by Comcast as set forth in its COA Application are of great benefit to the citizens and residents of the Borough;

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 Borough; 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 Borough, Comcast and other Comcast 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 a Renewal Certificate of Approval to continue to construct, operate and maintain a cable television system in and for the Borough of Berlin.

Respectfully submitted,

SCARINCI & HOLLENBECK, LLC  
Attorneys for Petitioner  
Comcast of Garden State L.P.

By: *Dennis Linken*  
Dennis C. Linken

Dated: September 17, 2018

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

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Attorneys for Petitioner  
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SYSTEM IN AND FOR THE BOROUGH OF )  
BERLIN, COUNTY OF CAMDEN, STATE OF )  
NEW JERSEY )  
\_\_\_\_\_)

**VERIFICATION**

Docket No.

FRED DeANDREA hereby certifies as follows:

1. I am Senior Director of Government and Regulatory Affairs of Comcast of Garden State L.P., 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 DeAndrea

Dated: September 10, 2018