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CASE MANAGEMENT

NOV 02 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

November 1, 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

CE18111225

Re: In the Matter of the Petition of South Jersey, 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 South Jersey, LLC ("Comcast"), in connection with the above-captioned matter.

Enclosed herewith please find the original and 11 copies of a Petition on behalf of Comcast, pertaining to its request to modify the terms and conditions of the Township of Upper Deerfield municipal consent.

It would be appreciated if your office would kindly date stamp the extra copy of this cover letter and the Petition and return same in the stamped, self-addressed envelope enclosed for your convenience.

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 Linken /dp

Dennis C. Linken
For the Firm

DCL/dp

CMS
Legal
DAG
RPA
CABLE (4)

cc: Rocco Tedesco, Esq., Township Attorney (w/enc. via 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)
Roy J. Spoltore, Township Clerk (w/enc. via rspoltore@upperdeerfield.com & first class mail)
Fred J. DeAndrea, Senior Director of Government & Regulatory Affairs
(w/enc. fred_deandrea@cable.comcast.com)

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

SCARINCI & HOLLENBECK, LLC
11 Valley Brook Avenue
P.O. Box 790
Lyndhurst, NJ 07071-0790
Attorneys for Petitioner
Comcast of South Jersey, LLC

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF THE PETITION OF)
COMCAST OF SOUTH JERSEY, LLC, FOR) **VERIFIED PETITION**
MODIFICATION OF THE TERMS AND)
CONDITIONS OF A MUNICIPAL CONSENT)
UPON WHICH A CERTIFICATE OF)
APPROVAL IS BASED)

Docket No.

Comcast of South Jersey, LLC (“Comcast” 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 Township of Upper Deerfield (“Township” or “Upper Deerfield”) and the modification by the Township of Ordinance No. 424, authorizing Comcast to provide cable television service in and to the Township, as set forth more fully herein. In support of the within Petition, Petitioner states as follows:

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 1250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034.

3. Pursuant to N.J.S.A. 48:5A-17(a) and (b) and -28(c), on or about March 7, 1984, in Docket No. 834C-6977, the Board issued to Cablentertainment of New Jersey – V (“Cablentertainment”) a Certificate of Approval to construct, operate and maintain a cable television system (“System”) in the Township.

4. On or about December 18, 1986, in Docket No. CM86101185, the Board approved the transfer of the System from Cablentertainment to Sammons Communications of New Jersey, Inc. (“Sammons”).

5. Pursuant to N.J.S.A. 48:5A-15 and -16, on April 24, 1995, in Docket No. CE94090404, the Board issued a Renewal Certificate of Approval (“Renewal COA”) to Sammons. A copy of said Renewal COA is on file at the Board.

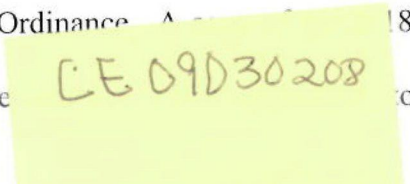
6. Pursuant to Ordinance No. 424, adopted by the Township on July 7, 1994 (the “1994 Ordinance”), underlying the Renewal COA issued in Docket No. CE94090404, the renewal granted to Sammons was for an initial term of fifteen (15) years, followed by an automatic renewal thereof for an additional term of ten (10) years.

7. On or about February 28, 1996, in Docket No. CM95080358, the Board approved the transfer of the System, including its Renewal COA for the Township, from Sammons to Lenfest Atlantic, Inc. (“Lenfest”).

8. On or about January 6, 2000, in Docket No. CM99110855, the Board approved the merger of Lenfest Communications, Inc., Lenfest’s indirect parent, with and into a wholly-owned indirect subsidiary of Comcast Corporation. As a result, Lenfest, which subsequently changed its name to Comcast of South Jersey, LLC, Petitioner herein, became a wholly owned

indirect subsidiary of Comcast Corporation.

9. On or about November 30, 2011, in Docket No. CE09030208, 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 Township. A copy of said Automatic Renewal COA is on file at the OCTV&T.

10. On or about September 6, 2018, following discussions and agreement between Comcast and Upper Deerfield, the Township adopted Ordinance 782 (the “2018 Ordinance”), modifying the 1994 Ordinance. A copy of the 2018 Ordinance is annexed hereto as Exhibit A. The 2018 Ordinance  together, are hereinafter referred to as the “Ordinance”.

11. The 2018 Ordinance modifies the 1994 Ordinance by deleting a requirement that Comcast’s local business office be located only in the Township or the Township of Bridgeton and substituting a provision allowing the office to be located in the Union Crossing Development in Millville, New Jersey, if not in the Township or the Township of Bridgeton.

12. By letter dated October 1, 2018, a copy of which is annexed hereto as Exhibit B, Comcast formally accepted the terms of the Ordinance.

13. Accordingly, Comcast hereby requests that the Board approve the modification of the 1994 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.

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

SCARINCI & HOLLENBECK, LLC
11 Valley Brook Avenue
P.O. Box 790
Lyndhurst, NJ 07071-0790
Attorneys for Petitioner
Comcast of South Jersey, LLC

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


VERIFICATION

Docket No.

Fred J. DeAndrea hereby certifies as follows:

- 1 I am Senior Director of Government & Regulatory Affairs of Comcast of South Jersey, 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.


Fred J. DeAndrea

Dated: October 3, 2018

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 782

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE NO. 424 OF THE TOWNSHIP OF UPPER DEERFIELD, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY

WHEREAS, on July 7, 1994 the Township of Upper Deerfield adopted Ordinance No. 424, granting non-exclusive municipal consent to the renewal of the cable television franchise of Sammons Communications of New Jersey, Inc. to construct, operate, extend, and maintain a cable television system in the Township of Upper Deerfield (the "Franchise"), which Franchise is currently operating subject to a Renewal Certificate of Approval issued on November 30, 2011 by the New Jersey Board of Public Utilities under Docket No. CE09030208; and

WHEREAS, through a series of corporate transfers and name changes, on or about May 13, 2004, Comcast of South Jersey, LLC ("Comcast" or "Company"), became the holder of the Franchise; and

WHEREAS, the Township Committee of the Township of Upper Deerfield wishes to modify Section 10 of Ordinance No. 424;

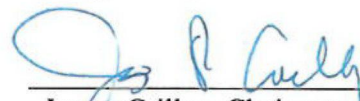
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield that Section 10 of Ordinance No. 424, entitled "Local Office", shall be deleted and replaced as follows:

10. Local Office.

During the term of this franchise, and any renewal thereof, Upper Deerfield Township accepts the location of a local business office in the Union Crossing Development in Millville NJ on Highway 47, if a site is not located in the City of Bridgeton or the Township of Upper Deerfield, for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. The local office as approved herein shall not be changed without amendment to Ordinance No. 424, subject to BPU approval.

All other provisions of Ordinance No. 424 shall remain in force.

This ordinance shall take effect upon passage and publication as required by law.


James Crilley, Chairman

Adopted: September 6, 2018

Attested:



Roy J. Spoltore, Township Clerk

First Reading: August 16, 2018

Publication: August 23, 2018

Publication of Final Adoption: September 10, 2018



October 1, 2018

Hon. James Crilley and
Members of the Governing Body
Township of Upper Deerfield
1325 Highway 77
Seabrook, NJ 08302

Dear Mayor Crilley and Members of the Governing Body:

On September 28, 2018, we received a copy of Township of Upper Deerfield Ordinance 782, adopted on September 6, 2018, and amending Township Ordinance No. 424, which granted Renewal of Municipal Consent to Comcast of South Jersey, LLC to continue to operate and maintain a cable television system in Upper Deerfield.

Comcast hereby accepts the terms and conditions of Ordinance No. 424, as amended by Ordinance 782. As you may know, Comcast must now petition the New Jersey Board of Public Utilities for approval of the modification of the Township's municipal consent.

I thank you for your kind attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred DeAndrea", written over a horizontal line.

Fred DeAndrea
Senior Director of Government & Regulatory Affairs

cc: Roy J. Spoltore, Township Clerk
Rocco Tedesco, Esq., Township Attorney
Lawanda R. Gilbert, Director
Nancy Wolf, Administrative Analyst 4
Dennis C. Linken
Laura M. Miller