

DENNIS C. LINKEN | Partner

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March 21, 2019

Via FedEx Overnight Mail

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

RECEIVED
CASE MANAGEMENT

MAR 22 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

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MAIL ROOM

MAR 22 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

CE19030380

Re: In the Matter of the Petition of Comcast of New Jersey II, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Township of Berkeley Heights, County of Union, 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 New Jersey II, LLC ("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 please return the extra copy of this letter and Petition 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 kdp

Dennis C. Linken
For the Firm

DCL/dp

- cc/w/enc. Lawanda R. Gilbert, Director (via Fedex Overnight Mail)
- Stefanie A. Brand, Director (via first class mail)
- Anna Minkoff, Township Clerk (via first class mail)
- Charles L. Smith III, Senior Director of Government and Regulatory Affairs (via email)

Cms
Legal
DAG
RPA
CABLE(k)

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

SCARINCI & HOLLENBECK, LLC
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Phone: 201-896-4100
Attorneys for Petitioner
Comcast of New Jersey II, LLC
File No. 41000.3000

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ

IN THE MATTER OF THE PETITION OF)
COMCAST OF NEW JERSEY II, LLC, FOR A)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR)
THE TOWNSHIP OF BERKELEY HEIGHTS,)
COUNTY OF UNION, STATE OF NEW JERSEY)

VERIFIED PETITION

Docket No.

Comcast of New Jersey II, LLC (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 its cable television system ("System") in the Township of Berkeley Heights, Union County, New Jersey ("Township" or "Berkeley Heights"). In support of its Petition, Petitioner states as follows:

COUNT ONE

I. 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 December 14, 1978, in Docket No. 785C-6370, 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 the System in and for the Township. A copy of said Certificate of Approval is on file at the OCTV&T.

4. 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.

5. On or about August 19, 2004, in Docket No. CE04050381, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval to Petitioner for the continued construction, operation and maintenance of the System in and for the Township. A copy of said Renewal Certificate of Approval is on file at the OCTV&T.

6. Pursuant to N.J.S.A. 48:5A-1 et seq. and N.J.A.C. 14:18-13.3(a)3, on or about March 12, 2018, Petitioner submitted an Application for Renewal of Municipal Consent (hereinafter the “Municipal Application”) to continue to construct, operate and maintain the System in the Township.

7. On or about June 26, 2018, a public hearing was held by the Township with respect to Petitioner's Municipal Application, during which all interested persons desiring to be heard were so heard.

8. On or about December 18, 2018, the Township adopted Ordinance No. 25-2018 (the "Ordinance") granting to Petitioner renewal of its Municipal Consent ("Renewal of Municipal Consent") to continue to construct, operate and maintain the System in the Township. A copy of said Ordinance is annexed hereto as Exhibit A.

9. On or about January 23, 2019, Comcast filed its formal acceptance of the terms and conditions of the Renewal of Municipal Consent granted by the Township, pursuant to N.J.S.A. 48:5A-24. A copy of said letter of acceptance is annexed hereto as Exhibit B.

10. The information pertaining to Petitioner on file with the OCTV&T, together with the information contained in Petitioner's Municipal Application and its Application for Renewal of a Certificate of Approval ("COA Application"), simultaneously filed herewith, all of which is adopted by reference thereto, establishes the requisite criteria for the continued construction, ownership, operation and management of the System in Berkeley Heights by Comcast.

11. Comcast possesses the requisite character and suitability for the continued operation of the System. Further, as indicated in the Municipal Application, the COA Application and other information on file with the OCTV&T, Comcast possesses the necessary financial responsibility and ability to perform efficiently the proposed services and those services which 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 to Petitioner.

12. Petitioner 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 Berkeley Heights and the other municipalities in which it serves.

COUNT TWO

13. Comcast repeats paragraphs 1 through 12 of COUNT ONE as if set forth fully hereinafter.

14. As set forth in the COA Application and other information on file at the OCTV&T, the System operated by Comcast in the Township is part of larger regional cable television systems (the "Comcast regional cable systems") serving numerous other municipalities contiguous to and surrounding the Township.

15. As also set forth in the COA Application and other information on file at the OCTV&T, the Township represents an integral part of the Comcast regional cable systems serving the counties of Essex, Union, Middlesex and Hudson. In addition, the demographics of the Township, as well as its location and other factors, mandate that cable television service be provided by Comcast as part of the Comcast regional cable systems.

16. The Township portion of Comcast's and its affiliates' Essex, Union, Middlesex and Hudson 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 Township and the larger cable television systems generally. Further, continuation of Comcast's operating authority in the Township will avoid an unreasonable duplication of services that would otherwise be detrimental to the development of adequate cable television service.

17. Comcast is entitled to a renewal of its Certificate of Approval for the Township, pursuant to the provisions of Section 17(b) of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq.

18. Comcast believes that a Renewal Certificate of Approval for the Township of Berkeley Heights 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 Township;

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

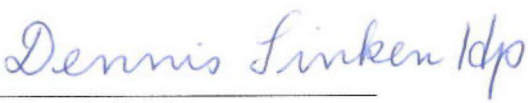
c. The financial strength and technical expertise of Comcast are more than adequate to continue to construct, operate and maintain its cable television system in the Township; and

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 Township, Comcast and its 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 Township of Berkeley Heights.

Respectfully submitted,

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

By: 
Dennis C. Linken

Dated: March 21, 2019

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

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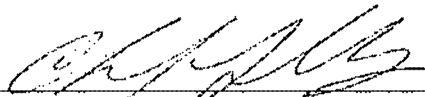
VERIFICATION

Docket No.

CHARLES L. SMITH III hereby certifies as follows:

1. I am Senior Director, Government and Regulatory Affairs, of Comcast of New Jersey II, 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.



Charles L. Smith III

Dated: March 20, 2019