



Agenda Date: 7/10/19  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF	)	ORDER OF AMENDMENT
COMCAST OF SOUTH JERSEY, LLC FOR	)	TO THE RENEWAL
MODIFICATION OF THE TERMS AND	)	CERTIFICATE OF APPROVAL
CONDITIONS OF A MUNICIPAL CONSENT UPON	)	
WHICH A CERTIFICATE OF APPROVAL IS	)	
BASED FOR THE CITY OF VINELAND, COUNTY	)	DOCKET NO. CE18010007
OF CUMBERLAND, STATE OF NEW JERSEY	)	DOCKET NO. CE09010029

**Parties of Record:**

**Dennis C. Linken, Esq.**, Scarinci Hollenbeck, LLC, on behalf of Comcast of South Jersey, LLC  
**Keith Petrosky**, Clerk, City of Vineland, New Jersey

**BY THE BOARD:**

By order dated February 25, 2009 the Board of Public Utilities ("Board") granted Comcast of South Jersey, LLC. ("Petitioner") a Renewal Certificate of Approval ("Certificate") for the City of Vineland ("City"), in Docket No. CE09010029.

The City informed the Petitioner that it wanted to amend a provision of the municipal consent ordinance upon which the Certificate is based to make the Cable Advisory Committee optional instead of mandatory. The City's municipal consent ordinance contained the provision that required it to appoint a cable advisory committee. On October 25, 2017, the City amended Ordinance 2008-80, its municipal consent ordinance of December 1, 2008, at **§A730-16. Advisory committee.** to state that the Council of the City may, in its discretion, appoint an Advisory Committee. On November 1, 2017, the Petitioner accepted the terms and conditions of the amended ordinance.

On January 8, 2018, the Petitioner filed a petition for Amendment of the Renewal Certificate of Approval, pursuant to N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7. In its petition, the Petitioner requested that the Board approve an amendment to the municipal consent upon which the Renewal Certificate of Approval was based. The Board has reviewed the petition for Amendment of the Certificate of Approval and the amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. Provision 18 of the Renewal Certificate issued on February 25, 2009 in Docket No. CE09010029 is amended to provide that the Council of the City may, in its discretion, appoint an ongoing Cable Advisory Committee, which shall meet periodically, as stipulated by the ordinance. The Cable Advisory Committee duties are stated in the ordinance and shall include monitoring compliance of the City and the Petitioner with regard to the conditions of the ordinance as well as developing rules for use of the EG channel. All meetings of the Cable Advisory Committee will be held at City Hall, unless the Committee unanimously agrees to meet elsewhere. The Petitioner shall receive written notice of all such meetings and shall, upon the Petitioner's request, be entitled to address the Committee.

Therefore, the Petitioner is **HEREBY ISSUED** this Amendment to the Renewal Certificate of Approval as evidence of the Petitioner's authority to construct, operate and maintain a cable television system in the City. The Amendment shall not affect any of the remaining terms and conditions of the Certificate of Approval issued by the Board in its grant of operating authority. This Amendment to the Renewal Certificate of Approval is subject to all applicable state and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

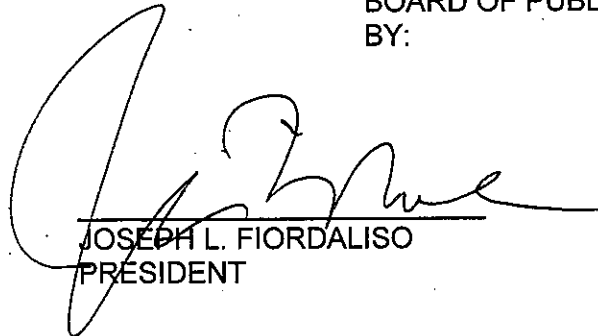
Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of the Certificate issued by the Board.

This Amendment to the Renewal Certificate of Approval is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

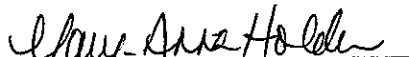
This Order shall be effective on July 20, 2019.

DATED: 7/10/19

BOARD OF PUBLIC UTILITIES  
BY:




JOSEPH L. FIORDALISO  
PRESIDENT



MARY-ANNA HOLDEN  
COMMISSIONER



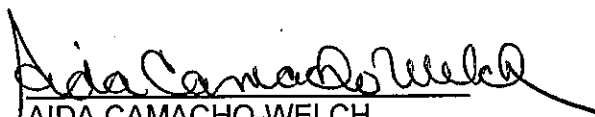
DIANNE SOLOMON  
COMMISSIONER



UPENDRA J. CHIVUKULA  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:   
AIDA CAMACHO-WELCH  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities.

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 FOR THE CITY OF VINELAND, COUNTY  
OF CUMBERLAND, STATE OF NEW JERSEY

DOCKET NO. CE18010007  
DOCKET NO. CE09010029

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**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.nj.gov/bpu**

**CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF COMCAST OF )  
SOUTH JERSEY, LLC FOR A RENEWAL CERTIFICATE )  
OF APPROVAL TO CONTINUE TO CONSTRUCT, )  
OPERATE AND MAINTAIN A CABLE TELEVISION )  
SYSTEM IN AND FOR THE CITY OF VINELAND, )  
COUNTY OF CUMBERLAND, STATE OF NEW JERSEY )

**RENEWAL**  
**CERTIFICATE OF APPROVAL**

DOCKET NO. CE09010029

(SERVICE LIST ATTACHED)

**BY THE BOARD:**

On September 10, 1982, the Board granted Garden State Cable Television Corporation a Certificate of Approval in Docket No. 8112C-6851 for the construction, operation and maintenance of a cable television system in the City of Vineland ("City"). Due to a series of Board approved transfers, the Certificate was held by Sammons Communications of New Jersey, Inc. ("Sammons") and on October 20, 1995, the Board issued a Renewal Certificate of Approval to Sammons in Docket No. CE94090405, which was subsequently amended on January 12, 1996. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of South Jersey, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on September 10, 2007, Petitioner is authorized to continue to provide cable television service to the City pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the City on December 6, 2006, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. The City, after public hearing, on July 10, 2007, adopted a resolution denying renewal of municipal consent to the Petitioner. On September 13, 2007, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed a petition with the Board for a renewal of its Certificate for the City in Docket No. CE07090671. The Petitioner alleged that the City's actions, and its failure to grant municipal consent, were arbitrary and capricious. On October 25, 2007, the City filed an answer to the petition. A pre-transmittal settlement conference took place on March 20, 2008, in accordance with N.J.A.C. 14:17-8.1 et seq. but no settlement could be reached and on April 24, 2008, the Petitioner requested the matter be transferred to the Office of Administrative Law ("OAL"). On

June 9, 2008, the Board transmitted the case to the OAL for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. After extensive negotiations, the parties reached a settlement that resolved the matter. The City adopted an ordinance granting renewal of its municipal consent to the Petitioner on December 1, 2008, formalizing the settlement reached by the parties. On December 10, 2008, the Petitioner formally accepted the terms and conditions of the ordinance. On January 8, 2009, by notice to the Board and the OAL, the Petitioner withdrew its petition filed in Docket No. CE07090671.

On January 9, 2009, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a Renewal Certificate of Approval for the City based on the City's December 1, 2008 ordinance and its acceptance thereof. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate, and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

- 1 The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were previously reviewed by the City in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years with an automatic renewal provision for a term of ten years thereafter in conformance with N.J.S.A. 48:5A-19 and -25. The Board finds these periods to be of reasonable duration.
5. The City has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the City shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the City shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47; provided however, that the City shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure same within 90 days of that notification.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
- 7 The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational schedules of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.

8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the City. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with any applicable rules.
9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 301 South Main Road in the City.
10. The franchise fee to be paid to the City is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the City or any additional amount thereafter required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as required by the application. The Petitioner shall continue to provide one channel for educational and governmental ("EG") access for use of the City's residents on the most basic tier of service offered by the Petitioner as stated in the ordinance. The Petitioner shall provide an additional EG access channel, upon a demonstration by the City that utilization of the existing EG channel exceeds 40 hours per week of original, non-commercial, first run, locally produced full motion video programming over a period of 18 consecutive weeks, and providing that the City has continued its partnership with Cumberland County College in presenting educational programming to the residents a minimum of 12 hours weekly.
12. The Petitioner shall provide access to a switch based at the Petitioner's hub site via a static IP address to change programming between the City and Cumberland County College at the direction of the City.
13. The Petitioner shall provide Total Preferred cable television service, on one outlet, free of charge, to each school in the City, public and private, elementary, intermediate and secondary. In order to qualify for free installation, the school must be located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. The Petitioner shall waive monthly service charges for any such additional outlets.
14. The Petitioner shall provide Total Preferred cable television service, on one outlet, free of charge, to each police, fire and emergency management facility, each youth and senior center owned and operated by the City and to the Vineland Public Library. To qualify for free installation the facility must be located within 175 feet of active cable distribution plant. The City shall pay for each additional outlet installed to any of the above facilities on a materials plus labor basis; however, the Petitioner shall waive monthly service charges for any such additional outlets.

15. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future school in the City, public and private, elementary, intermediate and secondary. To qualify for free installation the facility must be located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students, and shall not be used for administrative purposes only.
16. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public library in the City. To qualify for free installation, the facility must be within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the library patrons, and shall not be used for administrative purposes only.
17. Within six months of issuance of this Certificate, the Petitioner shall provide the City with a one-time technology grant of \$145,000.00 for cable related needs of the community. Upon payment, the Petitioner shall submit proof of satisfaction of this provision to the Office of Cable Television.
18. The Council of the City shall appoint an ongoing Cable Advisory Committee, which shall meet periodically, as stipulated by the ordinance. The Cable Advisory Committee duties are stated in the ordinance and shall include monitoring compliance of the City and the Petitioner with regard to the conditions of the ordinance as well as developing rules for use of the EG channel within 60 days of issuance of this Certificate. All meetings of the Cable Advisory Committee will be held at City Hall, unless the Committee unanimously agrees to meet elsewhere. The Petitioner shall receive written notice of all such meetings and shall, upon the Petitioner's request, be entitled to address the Committee.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the City.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.




Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.


This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

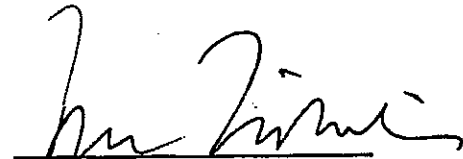
This Certificate shall expire on September 10, 2022


DATED: 2/25/09


BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

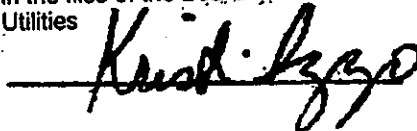
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**APPENDIX "I"**

**Office of Cable Television  
Line Extension Policy**

Company      Comcast of South Jersey, LLC  
Municipality    City of Vineland

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

1.      $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile (HPM) of extension}$
2.      $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system *}} = \text{ratio of the density of the extension to the minimum density which the company constructs in the system ("A")}$
3.     Total cost of building the extension times "A" = company's share of extension cost
4.     Total cost of building extension less company's share of extension cost = total amount to be recovered from subscribers
5.      $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

In any case, the company shall extend its plant along public rights of way to:

1.     All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2.     All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

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\*     The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes which the company has historically constructed at its own cost. This is a function of the operator's break even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.

2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

## **Definitions**

### **Primary Service Area**

The Primary Service Area (PSA) can be an entire municipality but in many instances, the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

### **Line Extension Survey**

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor-in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

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