

LAURA M. MILLER | Counsel
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August 6, 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
MAIL ROOM

AUG 07 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

CE19080893

Re: In the Matter of the Petition of Comcast of Central 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 Franklin, County of Somerset, 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 Central 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,

Laura M. Miller

Laura M. Miller
For the Firm

CMS
Legal
DAG
RPA
CABLE (6)

LMM/dp

cc/w/enc. Lawanda R. Gilbert, Director (via FedEx)
Nancy J. Wolf, Administrative Analyst 4 (via FedEx)
Stefanie A. Brand, Director (via first class mail)
Ann Marie McCarthy, Township Clerk (via first class mail)
Robert D. Clifton, Senior Director of Government and Regulatory Affairs (via email)

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

SCARINCI & HOLLENBECK, LLC
ATTORNEYS AT LAW
1100 Valley Brook Avenue
Lyndhurst, NJ 07071-0790
Phone: 201-896-4100
Attorneys for Petitioner
Comcast of Central 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 CENTRAL 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 FRANKLIN,)
COUNTY OF SOMERSET, STATE OF NEW)
JERSEY)
_____)

VERIFIED PETITION

Docket No.

Comcast of Central 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 Franklin, Somerset County, New Jersey ("Township" or "Franklin"). In support of its Petition, Petitioner states as follows:

COUNT ONE

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 195 Leonardville Rd., Belford, NJ 07718.

3. On or about June 11, 1982, in Docket No. 807C-6697, 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 Franklin Cablevision, Inc. ("Franklin Cablevision"), to provide cable television service in the Township. A copy of said Certificate is on file with the OCTV&T.

4. On December 18, 1986, in Docket No. CM86111216, the Board approved the merger of Franklin Cablevision into ComVideo Systems, Inc., d/b/a C-TEC Cable Systems ("C-TEC").

5. On or about October 27, 1993, in Docket No. CM93080313, the Board approved the restructuring of C-TEC into three separate subsidiaries, which included RCN of New Jersey, Inc. ("RCN"), wherein RCN acquired the majority voting control of C-TEC.

6. On or about September 28, 1994, in Docket No. CE93030080, pursuant to N.J.S.A. 48:5A-17(a) and (b) and N.J.S.A. 48:5A-28(c), the Board issued an Initial Decision-Settlement and Renewal Certificate of Approval ("Decision") to RCN to continue to provide cable television service in the Township, which Decision was amended on December 21, 1994. A copy of said Decision is on file with the OCTV&T.

7. On or about February 6, 2003, in Docket No. CM02090653, the Board approved the sale and transfer of RCN's cable system, including the Certificate of Approval with respect to the Township, from RCN to Patriot Media & Communications CNJ, LLC ("Patriot").

8. On or about September 23, 2004, in Docket No. CE02020093, 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 Renewal Certificate of Approval to RCN to continue to provide cable television service in the Township, recognizing that the Certificate would be held by Patriot. A copy of said Certificate is on file with the

OCTV&T.

9. On or about August 31, 2007, pursuant to authorization set forth by the Board in its Order of Approval dated August 24, 2007, in Docket No. CM07040250, Comcast Cable Communications Holdings, Inc., acquired control of Patriot's parent company, as a result of which Patriot became a wholly-owned indirect subsidiary of Comcast Corporation. Patriot was subsequently renamed Comcast of Central New Jersey II, LLC, Petitioner herein.

10. 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 11, 2014, 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.

11. On or about June 24, 2014, 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.

12. On or about September 29, 2015, the Township adopted Ordinance No. 4118-15 (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 the Ordinance is annexed hereto as **Exhibit A**. On March 26, 2019, the Township adopted Ordinance No. 4275-19 (the "Amending Ordinance"), modifying the Renewal of Municipal Consent. A copy of the Amending Ordinance is annexed hereto as **Exhibit B**. The Ordinance and the Amending Ordinance are hereby referred to as the "Amended Ordinance."

13. On or about June 13, 2019, Comcast filed its formal acceptance of the terms and conditions of the Renewal of Municipal Consent granted by the Township in accordance with the Amended Ordinance, pursuant to N.J.S.A. 48:5A-24. A copy of said letter of acceptance is annexed hereto as **Exhibit C**.

14. The information pertaining to Petitioner on file with the OCTV&T, together with the information contained in Petitioner's 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 Franklin by Comcast.

15. 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 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.

16. 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 Franklin and the other municipalities in which it serves.

COUNT TWO

17. Comcast repeats paragraphs 1 through 16 of COUNT ONE as if set forth fully hereinafter.

18. 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. 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 Hunterdon, Somerset, Mercer, Morris and Warren. 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.

19. The Township portion of Comcast's and its affiliates' Hunterdon, Somerset, Mercer, Morris and Warren 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.

20. 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.

21. Comcast believes that a Renewal Certificate of Approval for the Township of Franklin 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 Franklin.

Respectfully submitted,

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

By: 
Laura M. Miller

Dated: August 6, 2019

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

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

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FOR A CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
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COUNTY OF SOMERSET, STATE OF NEW)
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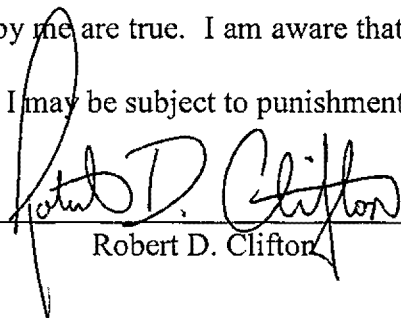
VERIFICATION

Docket No.

Robert D. Clifton hereby certifies as follows:

1. I am Senior Director, Government and Regulatory Affairs, of Comcast of Central 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.



Robert D. Clifton

Dated: July 24th, 2019

EXHIBIT A

TOWNSHIP OF FRANKLIN, SOMERSET COUNTY ORDINANCE NO. 4118-15

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY II, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN FRANKLIN TOWNSHIP, NEW JERSEY

SUMMARY

An Ordinance granting renewal of Municipal Consent to Comcast of New Jersey II, LLC to construct, connect, operate and maintain a cable television and communications system in Franklin Township, New Jersey. The non-exclusive Municipal Consent granted shall expire fifteen (15) years from the date of expiration of the previous Certificate of Approval issued by the Board with a ten (10) year automatic renewal as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6. Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

WHEREAS, on December 13, 2011 the Township Council adopted Resolution #11-498 whereby the Township began the Ascertainment Phase in connection with the Renewal of the Franchise Agreement between the Township and Comcast of Central New Jersey II, LLC ("Comcast"); and

WHEREAS, Resolution #11-498 directed the Clerk to file notice of the Ascertainment Phase with the Office of Cable Television within the New Jersey Board of Public Utilities and with Comcast and also directed that notice be provided to the Township's Cable Television Advisory Committee in connection with the Committee's role in the Ascertainment Phase; and

WHEREAS, the Township's Cable Television Advisory Committee conducted ascertainment proceedings to assess the Township's future cable related community needs and interests, as well as to review the past performance of Comcast and produced a report of its findings; and

WHEREAS, on November 12, 2013, the Township Council adopted Resolution #13-520 which accepted the "Franklin Township, Somerset County, NJ 2013 Cable TV Ascertainment Phase Municipal Report" and authorized the transmission of this report to the Office of Cable Television and Comcast; and

WHEREAS, the Township Clerk has received an application for renewal of municipal consent dated March 11, 2014 from Comcast of Central New Jersey II, LLC; and

WHEREAS, upon receipt of Comcast's application, the Township commenced the formal process to determine whether to renew its existing cable television franchise agreement, including holding a public hearing at 7 p.m. on June 24, 2014 as required by N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-11.6; and

WHEREAS, on March 10, 2015 the Township Council adopted Resolution #15-91 granting Municipal Consent to Comcast and authorizing the negotiation of a new non-exclusive cable franchise agreement with Comcast based upon the review of the Application and the information garnered at the June 24, 2014 public hearing; and

WHEREAS, the terms and conditions of a new franchise agreement have been negotiated between the Township and Comcast.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Township hereby grants to Comcast of Central New Jersey II, LLC renewal of its non-

Franklin Township

In Somerset County

exclusive Municipal Consent to place in, construct, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets alleys, sidewalks, easements, public ways and public places of the Township, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and cable communications system for the purposes authorized by the Act.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and the rules and regulations of the Board, N.J.A.C. 14-18-1.1 et seq., shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" is the Township of Franklin, County of Somerset, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is Comcast of Central New Jersey II, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" is the Office of Cable Television of the Board.
- g. "Application" is the Company's March 11, 2014 Application for Renewal of Municipal Consent which is incorporated within this Ordinance by reference.
- i. "Primary Service Area" or "PSA" consists of the area of the Township currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

A public hearing was conducted by the Township Council on June 24, 2014, concerning the renewal of Municipal Consent herein granted to the Company. The public hearing was held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. The public hearing, having been fully open to the public, and the Township, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Township hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire fifteen (15) years from the date of expiration of the previous Certificate of Approval issued by the Board with a ten (10) year automatic renewal as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.

Franklin Township



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In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification. Notwithstanding the foregoing, in the event that an occurrence of non-compliance presents an immediate danger to public health, safety or welfare of the Municipality or its inhabitants the Company shall take immediate steps to abate the danger upon notice, while taking steps to cure an event of non-compliance within ninety (90) days of written notification by the Municipality.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Township and any property subsequently annexed by the Township.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to provide service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with the following exception: The minimum homes per mile (HPM) figure shall be twenty-five (25) homes per linear mile from the operator's existing plant.

SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Township, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Temporary Removal of Cables: The Company shall temporarily move or remove appropriate parts of its facilities to allow for the moving of buildings and machinery, or in other similar circumstances. The expense shall be borne by the party requesting such action, except when requested by the Township, in which case the Company shall bear the cost of the temporary removal.
- d. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company.

Franklin Township



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Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Township upon written request of the Township Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").
- d. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Township pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business office within reasonable proximity of its service area in accordance with N.J.A.C. § 14:18-5.1 where applications for service, complaints, service inquiries, bill payments, and so forth will be received. Such a business office shall have a publicly listed toll-free telephone number and be open during normal business hours and such other times as the Company deems advisable to meet with customers and prospective customers.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give a bond to the Township in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application which is incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law. Nothing within this franchise renewal shall prevent the Company from offering reduced or discounted rates for senior citizens, disabled citizens, or other economically-disadvantaged citizens in accordance with N.J.S.A. §§ 48:5A-11.1 and 11.2, or any other applicable federal or

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state law. Any reduced or discounted rates offered by the Company shall be in compliance with the regulations of the Board.

SECTION 14. COMMITMENTS BY THE COMPANY.

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Township, including public and private, elementary, intermediate and secondary schools, provided the school building is within two hundred (200) feet aerially or one hundred twenty five (125) feet underground 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.
- b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future public building including the municipal building, police, fire, rescue squad, emergency management facility, public library and library branch, and any other municipal or governmental building designated by the Township, provided the facility is located within two hundred (200) feet aerially or one hundred twenty five (125) feet underground of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township.
- c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Township a one-time Technology Grant in the amount of \$125,000 to meet the technology and/or cable related needs of the community.
- d. The Communications Act of 1934, as amended (47 U.S.C. § 543 (b)), allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.
- e. Company representative shall appear at least once annually, upon written request of the Township Council.
- f. The Company shall provide additional services as outlined in a separate letter of agreement, attached to and hereby incorporated into this Ordinance.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS.

- a. The Company will continue to provide two (2) channels, one for educational and one for governmental ("EG") access for the use by Township on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611(47 U.S.C. § 531, and as further set forth within this Section 15.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user - whether an educational or government user - acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- c. The Company shall not exercise editorial control over the use of any educational or

Franklin Township



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governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

- d. Educational Access. "Educational Access" shall mean non-commercial use by educational institutions such as public or private schools, but not "home schools," community colleges and/or universities.
- e. Government Access. "Government Access" shall mean non-commercial use by the Township for the purpose of showing the public local government at work.
- f. Fallow Time. Because blank or underutilized EG channels are not in the public interest, in the event the Township or other EG access users elect not to fully program the EG access channel, Company may program unused time on those channels subject to reclamation by the Township upon no less than sixty (60) days' written notice.

SECTION 16. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided that same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Township grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance upon approval by the Board of the Company's petition to modify this Ordinance pursuant to N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the

Franklin Township



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Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such prior agreements or this Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval by the BPU.

ORDINANCE NO. 4118-15

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: 09/08/2015
Public Hearing: 09/29/2015
Adoption: 09/29/2015
Published: 10/03/2015
Effective: 10/19/2015


Anni Marie McCarthy, MMC, Township Clerk

EXHIBIT B

TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET
ORDINANCE NO. 4275-19

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, CONCERNING CABLE FRANCHISE RENEWAL AND THE "CODE OF THE TOWNSHIP OF FRANKLIN"

SUMMARY

This Ordinance amends the Cable Franchise Agreement from 2015 between the Township of Franklin and Comcast of New Jersey II, LLC by formally incorporating therein the document that is referenced therein as Exhibit A.

WHEREAS, by Ordinance No. 4118-15 adopted on September 29, 2015, the Township Council of the Township of Franklin renewed municipal consent for Comcast of New Jersey II, LLC ("Comcast") to construct, connect, operate and maintain a cable television and communications system in the Township of Franklin; and

WHEREAS, Section 14 (f) of Ordinance No. 4118-15, codified in Chapter A402 of the "Code of the Township of Franklin" ("Township Code") as Section A402-45F, entitled "Commitments by the Company," provides in relevant part that Comcast "shall provide additional services [to Franklin Township] as outlined in a separate letter of agreement, attached to and hereby incorporated as Exhibit A," but Exhibit A was not attached to Ordinance No. 4118-15 and the terms of Exhibit A were not finalized until March 8, 2019; and

WHEREAS, the New Jersey Board of Public Utilities ("BPU") has requested that the Township of Franklin formally incorporate Exhibit A into Ordinance No. 4118-15 and its franchise agreement with Comcast;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

Section 1: Ordinance No. 4118-15 of the Township of Franklin, adopted on September 29, 2015 and codified in Chapter A402 of the Township Code, entitled "Chapter A402. Cable Television Franchise," is hereby amended by incorporating therein the letter dated March 8, 2019f and attached hereto as "Exhibit A," and specifically referenced in Section A402-45F of Chapter A402 as "Exhibit A."

Section 2: All Ordinances and Resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 4: The provisions of this Ordinance and the attached Exhibit A shall be applicable within the Township of Franklin upon final adoption and shall become a part of the Franklin Code once completed and adopted.

ORDINANCE NO. 4275-19

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: 03/12/2019

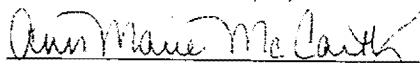
Published: 03/15/2019

Public Hearing: 03/26/2019

Adoption: 03/26/2019

Published: 03/29/2019

Effective: 04/15/2019



Ann Marie McCarthy, RMC, MMC, Township Clerk

EXHIBIT A to Ordinance No. 4275-19



Robert G. Vornlocker
Township Administrator
Township of Franklin
475 DeMott Lane
Somerset, New Jersey 08873

Dear Mr. Vornlocker:

During the term of the cable service franchise concurrent with the execution of this side letter agreement, Comcast of Central New Jersey II, LLC ("Comcast") shall continue to make available an Institutional Network ("I-Net") to the Township in accordance with the terms and conditions set forth below:

Comcast agrees to continue to make available, maintain and make necessary repairs to the I-Net it constructed as of the Effective Date of this Agreement, connecting the locations identified in Exhibit A attached hereto. The Township may continue to use the I-Net for non-commercial governmental purposes.

The Township and its designated I-Net users shall be solely responsible for any and all interface equipment and shall have the right to use the I-Net for such non-commercial governmental applications and uses as are compatible with the I-Net and existing as of the date of this Agreement. Comcast shall not be obligated to expand the I-Net in any manner or to replace the I-Net should the fiber that comprises it reach the end of its useful life ("EOUL") as determined by the manufacturer of the fiber cabling. When the fiber reaches this EOUL, Comcast agrees to cooperate with the municipality to facilitate replacement of the EOUL I-Net fiber at industry standard labor and material cost rates to be paid for by Franklin on a mutually agreed to basis. If it is determined that any maintenance and/or repair issue is as a result of Franklin owned equipment or municipal user error, Comcast may charge Franklin standard labor and material costs for the I-Net maintenance work. Comcast shall be responsible for maintaining the current I-Net to all installed locations insuring full functionality for the term of this agreement consistent with the functionality existing as of the date of this Agreement. Should the fiber and/or Comcast Owned/provided equipment that compromises the I-Net fail, Comcast will be required to make sufficient repairs or replacement to the fiber and/or equipment to insure that the functionality described herein is provided to the Township and its designated I-Net users throughout the term of the franchise agreement.

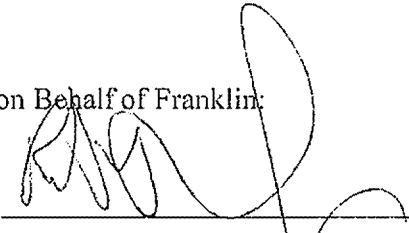
The Township may use the I-Net for non-commercial government purposes and shall not lease out any portion of the I-Net to any third party, allow the I-Net to be used by a third party for commercial purposes or itself use the I-Net for the provision of services to non-governmental entities.

EXHIBIT A to Ordinance No. 4275-19

Sincerely,

Rob Clifton, Senior Director
Government & Regulatory Affairs
Comcast

Agreed to on Behalf of Franklin:

Signature: 

Print: Robert G. Vornlacker

Title: Township Manager

EXHIBIT C



195 Leonardville Road
Belford, New Jersey 07718
732.281.3704

June 13, 2019

The Honorable Phillip Kramer
And Members of the Governing Body
Township of Franklin
475 DeMott Lane
Somerset, New Jersey 08873

Dear Mayor Kramer and Members of the Governing Body:

Please accept this letter as our formal acceptance of Ordinance No. 4118-15 and Ordinance No. 4275-19 granting renewal of municipal consent to Comcast of Central New Jersey II, LLC. We must now petition the New Jersey Board of Public Utilities for issuance of a Renewal Certificate of Approval in this matter.

Comcast appreciates the favorable consideration of our Application and we look forward to a long and continued mutually beneficial relationship with Township of Franklin.

As always, should you have any questions regarding this or any other Comcast matter, please do not hesitate to contact me directly at 732-281-3704.

Sincerely,

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

Rob Clifton

Director of Government and Community Affairs

cc: Ann Marie McCarthy, Borough Clerk
Lawanda Gilbert, Director, OCTV, NJ BPU