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CASE MANAGER

October 21, 2016

OCT 22 2019

RECEIVED  
MAIL ROOM

Via FedEx Overnight Mail

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

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

OCT 22 2019

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

CE1910409

Re: In the Matter of the Petition of Comcast of New Jersey, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of South Toms River, County of Ocean, 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, 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  
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)  
Joseph Kostecki, Borough Clerk/Administrator (via first class mail)  
Robert D. Clifton, Senior Director of Government and Regulatory Affairs (via email)



2. Comcast maintains its principal offices at 195 Leonardville Road, Belford, New Jersey 07718.

3. On or about August 29, 1974, 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 in Docket No. 7312C-6001 to Clear Television Cable Corporation ("Clear") to provide cable television service in South Toms River. A copy of said Certificate of Approval is on file at the OCTV&T.

4. On or about April 26, 1984, pursuant to an Order of Approval, the Board approved the transfer of the Certificate of Approval pertaining to the Borough from Clear to Adelphia Cablevision, Inc., an indirect wholly-owned subsidiary of Adelphia Communications Corporation ("Adelphia").

5. On or about June 18, 1991, in Docket No. CE90050355, the Board issued a Renewal Certificate of Approval to Adelphia continue to provide cable television service within the Borough. A copy of said Certificate of Approval is on file at the OCTV&T.

6. Pursuant to an Order of Approval dated December 21, 2000 in Docket No. CM00030167, the Board authorized the transfer of the cable television system owned and operated by Adelphia, including the Renewal Certificate of Approval for the Borough, to Comcast Cablevision of New Jersey, LLC, now known as Comcast of New Jersey, LLC.

7. On or about March 30, 2011, in Docket No. CE09090747, the Board issued a Renewal Certificate of Approval to Comcast (the "2011 Renewal Certificate of Approval") for the continued construction, operation, and maintenance of the System in and for the Borough. A copy of the 2011 Renewal Certificate of Approval is on file with the OCTV&T.

8. The 2011 Renewal Certificate of Approval, in accordance with its underlying municipal consent ordinance, reflected and included an automatic renewal provision, pursuant to

which the South Toms River franchise would be subject to automatic renewal for a period of ten (10) years following its scheduled expiration date of August 29, 2019.

9. As set forth under N.J.A.C. 14:18-13.6, applicable to ordinances which provide for automatic renewal, in the absence of notice at least 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.

10. Neither the Borough nor Comcast provided notice of its intention to not renew the South Toms River franchise pursuant to N.J.A.C. 14:18-13.6 prior to the deadline set forth therein for such action, as confirmed in Comcast's letter to the Borough dated June 21, 2019, 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 2011 Renewal Certificate of Approval.

11. As a result of the foregoing, Comcast's franchise in South Toms River shall be deemed to automatically renew.

12. Accordingly, pursuant to N.J.A.C. 14:18-13.6, Comcast hereby requests approval and implementation of the automatic renewal provision of the 2011 Renewal Certificate of Approval granted in Docket No. CE09090747, to continue to construct, operate and maintain the System in the Borough.

13. The information pertaining to Petitioner on file with the OCTV&T, together with the information contained in its Application for Renewal of a Certificate of Approval ("COA Application"), simultaneously submitted 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 South Toms River 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 integrity and the 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.

15. 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 the Borough of South Toms River 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 Comcast and Comcast-affiliated 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 and Comcast-affiliated regional cable television systems serving the counties of Atlantic, Burlington, Monmouth and Ocean. 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, Monmouth and Ocean 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 which would otherwise be detrimental to the development of adequate cable television service.

20. Comcast is entitled to a renewal of its Municipal Consent and Certificate of Approval, 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 South Toms River 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 safe, adequate and proper cable television service to the residents of the Borough;

(b) The services provided and to be provided by Comcast as set forth in its COA Application are and will be 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 of South Toms River; 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 South Toms River, 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.

**WHEREFORE**, it is requested that this Honorable Board of Public Utilities issue to Comcast of New Jersey, LLC, a Renewal Certificate of Approval to continue to construct, operate and maintain a cable television system in the Borough of South Toms River.

Respectfully submitted,

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

By:   
Laura M. Miller

Dated: October 21, 2019

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

SCARINCI & HOLLENBECK, LLC  
1100 Valley Brook Avenue  
Lyndhurst, New Jersey 07071-0790  
(201) 896-4100  
Attorneys for Petitioner  
Comcast of New Jersey, LLC  
Our File No. 41000.3000

\_\_\_\_\_) )  
IN THE MATTER OF THE PETITION OF ) )  
COMCAST OF NEW JERSEY, LLC, FOR A ) )  
RENEWAL CERTIFICATE OF APPROVAL TO ) )  
CONTINUE TO CONSTRUCT, OPERATE ) )  
AND MAINTAIN A CABLE TELEVISION ) )  
SYSTEM IN AND FOR THE BOROUGH OF ) )  
SOUTH TOMS RIVER, COUNTY OF OCEAN, ) )  
STATE OF NEW JERSEY ) )  
\_\_\_\_\_)

**VERIFICATION**

Docket No.

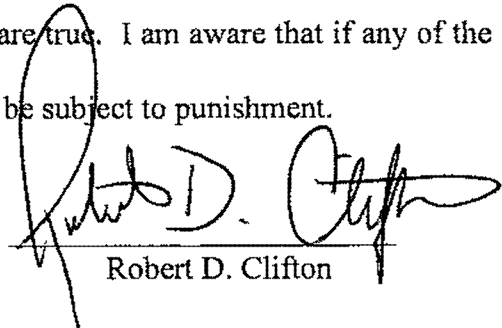
Robert D. Clifton hereby certifies as follows:

1 I am Senior Director of Government and Regulatory Affairs of Comcast of New Jersey, LLC, Petitioner in the within matter.

2 I am familiar with the nature and contents of the Verified Petition to which this Verification is annexed.

3 The allegations of the Verified 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: October 7, 2019





# EXHIBIT A



June 21, 2019

Joseph Kostecki  
Borough Administrator  
Borough of South Toms River  
19 Double Trouble Road  
South Toms River, New Jersey 08757

Dear Mr. Kostecki:

Our records indicate that the Borough of South Toms River's franchise renewal Certificate of Approval with Comcast Cable of New Jersey, LLC indicates that current certificate will expire on August 29, 2019. We are pleased to provide quality cable television service and are proud to have introduced new services, products and programming options to the residents of South Toms River.

New Jersey Board of Public Utilities Docket CE09090747 granted the cable provider a 10-year automatic renewal. In accordance with the provisions set forth in NJSA 48:5A-19 and 48A5A-25, and in state regulations promulgated in NJAC 14:18-13.6, and having received no written notice from the Borough that Comcast has not substantially performed in accordance with the franchise, please be informed that Comcast plans to exercise its rights and continue its faithful performance under the franchise for an additional ten years. In doing so, Comcast will abide by the current terms and conditions now in place. As such, the franchise will remain in effect until August 29, 2029.

Please update your records accordingly and do not hesitate to contact me at 732-281-3704 if you have any questions or require additional information. Comcast looks forward to continuing a long and successful relationship with South Toms River Borough.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Clifton", is written over the typed name.

Rob Clifton  
Senior Director of Government and Regulatory Affairs

Cc: Lawanda R. Gilbert, NJBPU, Office of Cable Television

