

LAURA M. MILLER | Counsel
lmiller@sh-law.com
Direct Phone: 201-896-7121 | Fax: 201-896-7122

October 31, 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

NOV 01 2019
BOARD OF PUBLIC UTILITIES
TRENTON, NJ

RECEIVED
MAIL ROOM
NOV 01 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

CE19111433

Re: In the Matter of the Petition of Comcast of Garden State L.P., for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Fieldsboro, County of Burlington, 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 Garden State L.P. ("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

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)
Patrice Hansell, Borough Clerk (via first class mail)
Fred J. DeAndrea, Senior Director of Government & Regulatory Affairs (via email)

CMS
LEGAL
DAG
RPA
CABLE (6)

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. On or about September 13, 1979, in Docket No. 796C-6489, 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 Audubon Electronics Inc. (“Audubon”) to provide cable television service in the Borough. A copy of said Certificate is on file with the OCTV&T.

4. On November 6, 1980, in Docket No. 8010C-6721, the Board approved the transfer of the System, including the Certificate of Approval with respect to Fieldsboro, from Audubon to New York Times Cable Company of New Jersey (“NYT”).

5. On July 26, 1989, in Docket No. CM89030342, the Board approved the transfer of the System, including the Certificate of Approval with respect to Fieldsboro, from NYT to Garden State Cablevision, L.P. (“Garden State”).

6. On or about January 5, 2000, in Docket No. CM99110855 the Board authorized the merger Lenfest Communications, Inc., which owned a 50% interest in Garden State, with and into a wholly-owned indirect subsidiary of Comcast Corporation, which owned the remaining 50% interest. As a result of said merger, Garden State, later renamed Comcast of Garden State L.P., Petitioner herein, became indirectly wholly-owned by Comcast Corporation.

7. On or about June 8, 2005, in Docket No. CE04111476, pursuant to N.J.S.A. 48:5A-16 and 17, the Board issued a Renewal Certificate of Approval (the “2005 Renewal Certificate of Approval”) to Petitioner for the continued construction, operation and maintenance

of the System in and for the Borough. A copy of the 2005 Renewal Certificate of Approval is on file at the OCTV&T.

8. The 2005 Renewal Certificate of Approval, in accordance with its underlying municipal consent ordinance, reflected and included an automatic renewal provision, pursuant to which the Fieldsboro franchise would be subject to automatic renewal for a period of ten (10) years following its scheduled expiration date of September 13, 2019.

9. As set forth under N.J.A.C. 14:18-13.6(a)(1), applicable to ordinances which provide for automatic renewal, in the absence of notice at least sixty (60) days prior to expiration of the initial term of 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 Fieldsboro 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 August 13, 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 2005 Renewal Certificate of Approval.

11. The information pertaining to Petitioner on file with the OCTV&T, together with the information contained in Petitioner's Application for Renewal of Certificate of Approval ("COA Application"), simultaneously filed herewith, all of which is adopted by reference hereto, establishes the requisite criteria for the continued construction, operation and maintenance of the System in Fieldsboro by Comcast.

12. 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 for the Borough to Comcast.

13. 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 Fieldsboro and the other municipalities in which it serves.

COUNT TWO

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

15. 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 cable television systems (the "Comcast regional cable systems") serving numerous other municipalities contiguous to or surrounding the Borough.

16. 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 regional cable systems serving the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem. In addition, the demographics of Fieldsboro, 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.

17. The Borough portion of Comcast's Atlantic, Burlington, Camden, Cape May,

Cumberland, Gloucester, and Salem 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.

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

19. Comcast believes that an Automatic Renewal Certificate of Approval for the Borough 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 an Automatic Renewal Certificate of Approval to Comcast will ensure the continued provision of cable television service to the residents of the Borough;

(b) The services provided by Comcast in its COA Application are of great benefit to the citizens and residents of the Borough;

(c) The financial strength and technical expertise of Comcast is more than adequate to continue to construct, operate and maintain its cable television system in the Borough; and

(d) Comcast, its officers and 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 Fieldsboro, Comcast and its affiliates hold Certificates of Approval or other authorization to construct, operate and maintain cable television

**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 Garden State L.P.
File No. 41000.3000

_____)
IN THE MATTER OF THE PETITION OF)
COMCAST OF GARDEN STATE L.P., FOR)
A RENEWAL CERTIFICATE OF) VERIFICATION
APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND) Docket No.
FOR THE BOROUGH OF FIELDSBORO,)
COUNTY OF BURLINGTON, STATE OF)
NEW JERSEY)
_____)

Fred DeAndrea hereby certifies as follows:

1. I am Senior Director, Government and Regulatory Affairs, of Comcast of Garden State L.P., 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 is willfully false, I may be subject to punishment.



Fred DeAndrea

Dated: October 25, 2019