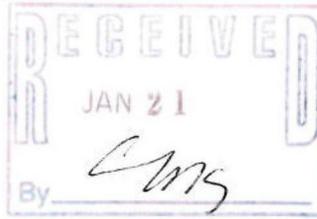


LAURA M. MILLER | Counsel  
lmiller@sh-law.com  
Direct Phone: 201-896-7121 | Fax: 201-896-7122

January 17, 2020

**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

JAN 21 2020

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

CE20010064

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 Township of Eagleswood, 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 Miller / dp*

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)  
Kathleen Wells, Township Clerk (via first class mail)  
Robert D. Clifton, Senior Director of Government & Regulatory Affairs (via email)

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

SCARINCI & HOLLENBECK, LLC  
1100 Valley Brook Avenue  
Lyndhurst, NJ 07071-0790  
Phone: 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 )  
CERTIFICATE OF APPROVAL TO CONTINUE )  
TO CONSTRUCT, OPERATE AND MAINTAIN )  
A CABLE TELEVISION SYSTEM IN AND FOR )  
THE TOWNSHIP OF EAGLESWOOD, COUNTY )  
OF OCEAN, STATE OF NEW JERSEY )  
\_\_\_\_\_ )

**VERIFIED PETITION**

Docket No.

Comcast of New Jersey, LLC (hereinafter, "Petitioner" or "Comcast"), 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 Eagleswood, Ocean County, New Jersey ("Township" or "Eagleswood"). 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 Road, Belford, New Jersey 07718.

3. On or about October 10, 1974, in Docket No. 744C-6014, 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 Cable Haven, Inc. ("Cable Haven"). A copy of said Certificate is on file at the OCTV&T.

4. On or about January 29, 1981, in Docket No. 8012C-6736, the Board approved the transfer of the System, including the Certificate of Approval pertaining to the Township, from Cable Haven to Clear Television Cable Corporation ("Clear").

5. On or about April 26, 1984, in Docket No. 8312C-7044, the Board approved the transfer of the System, including the Certificate of Approval pertaining to the Township, from Clear to Adelphia Communications Corporation ("Adelphia").

6. On or about July 30, 1987, in Docket No. CM870285, the Board approved the transfer of the System, including the Certificate of Approval pertaining to the Township, from Adelphia to Clear Cablevision, Inc., d/b/a Adelphia Cable ("Adelphia Cable").

7. On or about June 18, 1991, in Docket No. CE90010015, the Board issued a Renewal Certificate of Approval to Adelphia Cable to provide cable television service within the Township. A copy of said Certificate of Approval is on file at the OCTV&T.

8. 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 Cable, including the Certificate of Approval pertaining to the Township, to Comcast Cablevision of New Jersey, LLC, now known as Comcast of New Jersey, LLC.

9. On or about February 4, 2008, pursuant to N.J.S.A. 48:5A-17(a) and (b), and 28(c), the Board issued a Renewal Certificate of Approval to Comcast in Docket No. CE07060425 to construct, operate and maintain the System in the Township . A copy of said Certificate of Approval is on file at the OCTV&T

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 January 10, 2019, 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 May 20, 2019, 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 23, 2019, the Township adopted Ordinance 2019-04 (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.

13. On or about October 17, 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.

14. The information pertaining to Comcast on file with the OCTV&T, together with the information contained in its Application for Renewal of a Certificate of Approval ("COA Application") pertaining to the Township, simultaneously filed herewith, all of which is adopted by reference thereto, establishes the requisite criteria for the continued construction, operation and maintenance of the System in the Township 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 the ability to perform efficiently the proposed services and those services that 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 Comcast.

16. Comcast 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 Township 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 Municipal Application and COA Application, the System operated by Comcast in the Township is part of larger cable television systems serving numerous other municipalities contiguous to and surrounding the Township.

19. As also set forth in the Municipal Application and COA Application, the Township represents an integral part of the Comcast and Comcast-affiliated cable television systems serving the counties of Ocean, Atlantic, Burlington and Monmouth. 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 Comcast's and its affiliates' regional systems.

20. The Township portion of Comcast's Ocean, Atlantic, Burlington and Monmouth 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.

21. Comcast is entitled to a renewal of its 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.

22. Comcast believes that a Renewal Certificate of Approval for the Township 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 provided by Comcast in the Municipal Application and 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 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

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

SCARINCI & HOLLENBECK, LLC  
1100 Valley Brook Avenue  
Lyndhurst, NJ 07071-0790  
Phone: 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 )  
CERTIFICATE OF APPROVAL TO CONTINUE )  
TO CONSTRUCT, OPERATE AND MAINTAIN )  
A CABLE TELEVISION SYSTEM IN AND FOR )  
THE TOWNSHIP OF EAGLESWOOD, COUNTY )  
OF OCEAN, STATE OF NEW JERSEY )  
\_\_\_\_\_)

**VERIFICATION**

Docket No.

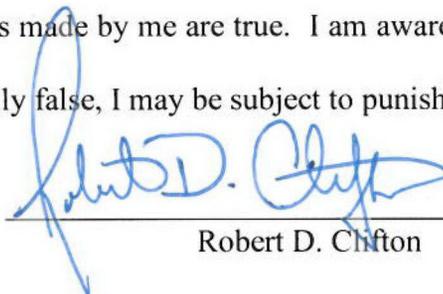
Robert D. Clifton hereby certifies as follows:

1. I am Senior Director of Government & 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 are willfully false, I may be subject to punishment.



Dated: January 16<sup>th</sup>, 2020

  
\_\_\_\_\_  
Robert D. Clifton

**EXHIBIT A**

**ORDINANCE 2019-04**

**AN ORDINANCE OF EAGLESWOOD TOWNSHIP,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
GRANTING RENEWAL OF MUNICIPAL CONSENT TO  
COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT,  
OPERATE AND MAINTAIN A CABLE TELEVISION AND  
COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF EAGLESWOOD,  
OCEAN COUNTY, NEW JERSEY**

**BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE  
TOWNSHIP OF EAGLESWOOD, OCEAN COUNTY, NEW JERSEY, AS  
FOLLOWS:**

**SECTION 1. PURPOSE OF THE ORDINANCE.**

The Township hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in 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 communications system.

**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 shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" is the Township of Eagleswood, County of Ocean, State of New Jersey
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey 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" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- 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.**

Public hearings conducted by the Township, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, 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 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Township shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Township 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 Township 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.

**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 hereto.

**SECTION 7. EXTENSION OF SERVICE.**

The Company shall be required to proffer 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 a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

**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 prior to approval of the board.

## EXHIBIT A

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

d. Temporary removal of cables: The Company shall, upon request of the Township, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

### 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 business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

### SECTION 12. PERFORMANCE BOND.

## **EXHIBIT A**

During the life of the franchise the Company shall give to the Township a bond 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 for municipal consent incorporated herein

### **SECTION 13. SUBSCRIBER RATES.**

The rates of the Company shall be subject to regulation as permitted by federal and state law

### **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, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. 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 municipal building, police, fire, emergency management facility and public library in the Township, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. 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 \$5,500 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.

### **SECTION 15. 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 16. 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 17. 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

**ORDINANCE 2019-04**

**AN ORDINANCE OF EAGLESWOOD TOWNSHIP,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
GRANTING RENEWAL OF MUNICIPAL CONSENT TO  
COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT,  
OPERATE AND MAINTAIN A CABLE TELEVISION AND  
COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF EAGLESWOOD,  
OCEAN COUNTY, NEW JERSEY**

Public Notice is hereby given that the above ordinance was introduced by title on first reading at a meeting of the governing body of Eagleswood Township on August 26, 2019. This ordinance will be adopted after a second reading and public hearing at a meeting to be held on September 23, 2019 at 7:00 pm at the Municipal Building, 146 Division Street, West Creek, NJ. Copies of all ordinances are available at the office of the Municipal Clerk, Monday through Friday from 9:00 am until 4:00 pm.

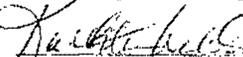
  
Kathleen Wells, RMC  
Municipal Clerk

**ORDINANCE 2019-04**

**AN ORDINANCE OF EAGLESWOOD TOWNSHIP,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
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COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF EAGLESWOOD,  
OCEAN COUNTY, NEW JERSEY**

**PUBLIC NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on first reading at a meeting of the governing body of the Eagleswood Township held on August 26, 2019.

Further Notice is Given that said Ordinance was considered for final passage and adopted after a public hearing thereon at a regular meeting of the governing body of Eagleswood Township held in the Municipal Building, 146 Division Street, West Creek, New Jersey on Tuesday, September 23, 2019.

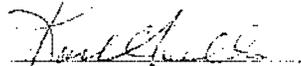
  
Kathleen Wells, RMC  
Municipal Clerk

**EXHIBIT A**

**ORDINANCE 2019-04**

Date of Introduction: August 26, 2019  
Motion to Introduce: Committeewoman Rivas  
Second: Deputy Mayor Sommaripa  
Roll Call: Committeewoman Rivas, Deputy Mayor Sommaripa, Mayor Pasternak, all aye.

Public Hearing Held: September 23, 2019  
Motion to Adopt: Committeewoman Rivas  
Second: Deputy Mayor Sommaripa  
Roll Call: Committeewoman Rivas, Deputy Mayor Sommaripa, Mayor Pasternak, all aye.

  
Kathleen Wells, RMC  
Municipal Clerk