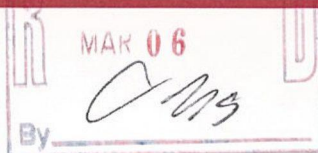


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MAR 06 2020

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

March 5, 2020

Via FedEx Overnight Mail

Aida Camacho-Welch, Secretary
Board of Public Utilities
44 South Clinton Avenue
9th Floor
Trenton, NJ 08625

CE 20030219

Re: In the Matter of the Petition of Comcast of Central 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 Monroe, County of Middlesex, 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, 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. Also enclosed is a check in the amount of \$1,000.00 to cover the filing fee.

Kindly file the Petition and please return the extra copy of this letter and the 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
LMM/dp

CMS
Legal
DIAG
RPA
CABLE (k)

cc/w/enc. James H. Laskey, Esq. (via FedEx)
Lawanda R. Gilbert, Director (via FedEx)
Nancy J. Wolf, Administrative Analyst 4 (via FedEx)
Stefanie A. Brand, Director (via first class mail)
Patricia Reid, 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
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Attorneys for Petitioner
Comcast of Central New Jersey, LLC
File No. 41000.3000

IN THE MATTER OF THE PETITION OF)
COMCAST OF CENTRAL 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 MONROE, COUNTY OF)
MIDDLESEX, STATE OF NEW JERSEY)

VERIFIED PETITION

Docket No.

Comcast of Central New Jersey, LLC (hereinafter “Comcast” or the “Company”) hereby petitions the Honorable Board of Public Utilities (the “Board”), pursuant to 47 U.S.C. §546(c), N.J.S.A. 48:5A-15, -16 and -17(d), N.J.A.C. 14:18-13.1 et seq., and N.J.A.C. 14:17-6.6, for a Renewal Certificate of Approval to continue to construct, operate and maintain its cable television system in the Township of Monroe, County of Middlesex, New Jersey (hereinafter “Monroe” or the “Township”). This Petition is engendered by the Township’s failure to consent to the implementation of the automatic renewal provision contained in Comcast’s existing Certificate of Approval. The Township’s decision was without sufficient legal support and was arbitrary, unreasonable and capricious.

In support of the within Petition, Comcast states as follows:

BACKGROUND

1. Comcast is a duly organized Delaware limited liability company and maintains its principal offices at 90 Lake Drive, East Windsor, New Jersey 08520.

2. Pursuant to N.J.S.A. 48:5A-1 et seq., Comcast is a cable television company subject to the jurisdiction of the Board and the Office of Cable Television & Telecommunications (“OCTV&T”), within the Board.

3. Pursuant to N.J.S.A. 48:5A-17(a) and (b) and 28(c), on or about August 26, 1979, in Docket No. 769C-6484, the Board issued a Certificate of Approval to Nassau Cable Television, Inc. (“Nassau”) to construct, operate and maintain a cable television system (“System”) in the Township. A copy of said Certificate of Approval is on file at the Board and is incorporated herein by reference thereto.

4. On June 13, 1980, pursuant to authorization granted by the Board in its Order dated May 29, 1980 in Docket No. 805C-6680, Nassau transferred the System, including the Certificate of Approval with respect to the Township, to Futurevision Cable Enterprises, Inc. (“Futurevision”).

5. On or about July 1, 1988, pursuant to authorization granted by the Board in Docket No. CM86050542, Storer Cable Communications of Central New Jersey, Inc., now known as Comcast, succeeded to the rights of Futurevision as part of an internal corporate reorganization.

6. Pursuant to N.J.S.A. 48:5A-15 and 16, on or about March 13, 1995, in Docket No. CE94100482, the Board issued a Renewal Certificate of Approval to Petitioner for the continued construction, operation and maintenance of the System in the Township. A copy of said Renewal Certificate of Approval is on file at the Board and is incorporated herein by reference thereto.

7. On November 9, 2007, in Docket No. CE05090839, the Board issued a Renewal Certificate of Approval (the "2007 Renewal Certificate of Approval") to Petitioner to continue to provide cable television to the Township. A copy of said Renewal Certificate of Approval is on file at the Board and is incorporated herein by reference thereto.

8. Petitioner is wholly owned by Comcast Cable Communications, LLC, which, in turn, is wholly owned by Comcast Corporation, the nation's largest cable television company, serving approximately 1.28 million subscribers in New Jersey and more than 21 million subscribers nationwide.

9. Petitioner provides cable service to more than 35 municipalities in Middlesex, Monmouth and Mercer Counties, pursuant to municipal consent ordinances issued by said municipalities and Certificates of Approval issued by the Board with respect thereto. The Petitioner holds the Certificate of Approval for the Township.

10. Comcast has continued to provide safe, adequate and proper cable television service to its customers since acquiring Storer Cable Communications of Central New Jersey, Inc.

11. The 2007 Certificate of Approval, in accordance with its underlying municipal consent ordinance, reflected and included an automatic renewal provision, pursuant to which the Monroe franchise would be subject to automatic renewal for a period of ten (10) years following its scheduled expiration date of March 13, 2020.

12. In accordance with 47 U.S.C. §546, on April 13, 2017, Comcast provided notice ("Notice") to the Township that its Renewal Certificate of Approval for the Township would soon expire and that, pursuant to Section 626 of the federal Cable Communications Policy Act of 1984, codified at 47 U.S.C. §546, the Township should commence renewal proceedings. A copy

of said Notice is annexed hereto as Exhibit A.

13. 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 a franchise from either the cable television company or the municipality of its intention not to renew, a franchise will be deemed to automatically renew.

14. On August 13, 2018, the Township sent a letter to Comcast (the "Township letter") purporting to outline areas of concern related to Comcast's franchise. Comcast comprehensively addressed the Township's allegations in a letter reply to the Township dated November 27, 2018 ("Comcast Reply"). Copies of the Township letter and the Comcast Reply are annexed hereto as Exhibits B and C, respectively.

15. As established by the Comcast Reply, Comcast was and is in compliance with all material requirements applicable under the 2007 Renewal Certificate of Approval.

16. Nevertheless, the Township's Cable Television Committee ("Committee") prepared a Final Report dated February 6, 2019 ("Committee Report"), recommending that Comcast's franchise should not be automatically renewed, which recommendation was premised entirely on the same unsupported concerns expressed in the Township letter. A resolution was thereafter adopted on March 4, 2019, accepting the Committee's recommendation. Copies of said Committee Report and the Resolution are annexed hereto as Exhibits D and E, respectively.

17. Neither the Committee nor the Township made valid findings that Comcast was not qualified for renewal of its franchise; indeed, to the contrary, the Committee concluded that Comcast possesses all necessary qualifications to operate, construct, and maintain the System in the Township.

18. 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 Monroe by Comcast.

19. Comcast possesses the requisite character and suitability for the continued operation of the System in Monroe. 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 to Petitioner of a Renewal Certificate of Approval with respect to Monroe.

20. 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 Township and the other municipalities in which it serves.

21. The Township's refusal to consent to the automatic renewal provision under Comcast's 2007 Renewal Certificate of Approval was and is contrary to law and/or public policy, erroneous and invalid and without foundation. The Township's actions and its failure to consent to the automatic renewal provision of the 2007 Renewal Certificate of Approval was and is devoid of any valid legal basis and was and is arbitrary and capricious.

COUNT ONE

VIOLATION OF FEDERAL LAW—COMMUNICATIONS ACT OF 1934

22. Paragraphs 1 through 21 are incorporated herein as though set forth in full.

23. The Township's actions and its failure to consent to the automatic renewal provision of the 2007 Renewal Certificate of Approval are contrary to the federal Communications Act of 1934, as amended, 47 U.S.C. §546.

24. Consequently, and in light of all of the above, a Renewal Certificate of Approval with a duration of ten (10) years should be issued by the Board to Comcast.

VIOLATION OF STATE LAW—N.J.S.A. 48:5A-17(d)

25. Paragraphs 1 through 24 are incorporated herein as though set forth in full.

26. The Township's actions and its failure to consent to the automatic renewal provision of the 2007 Renewal Certificate of Approval are arbitrary under N.J.S.A. 48:5A-17(d).

27. Consequently, and in light of all of the above, a Renewal Certificate of Approval with a duration of ten (10) years should be issued by the Board to Comcast.

VIOLATION OF STATE LAW—BOARD REGULATIONS

28. Paragraphs 1 through 27 are incorporated herein as though set forth in full.

29. The Township's actions and its failure to consent to the automatic renewal provision of the 2007 Renewal Certificate of Approval are contrary to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq., and the Regulations of the Board relating thereto, N.J.A.C. 14:18-13 et seq.

30. Consequently, and in light of all of the above, a Renewal Certificate of Approval with a duration of ten (10) years should be issued by the Board to Comcast.

COUNT TWO

31. Comcast repeats paragraphs 1 through 30 of COUNT ONE as if set forth in full.

32. 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 Comcast and Comcast-affiliated cable television systems serving numerous other municipalities contiguous to and surrounding the Township.

33. 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 and Comcast-affiliated regional cable television systems serving the counties of Middlesex, Mercer 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.

34. The Township portion of Comcast's and its affiliates' Middlesex, Mercer 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 which would otherwise be detrimental to the development of adequate cable television service.

35. Comcast is entitled to a renewal of its Certificate of Approval to serve 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.

36. 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 safe, adequate and proper cable television service to the residents of the Township;

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 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 Monroe, 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.

37. Consequently, and in light of all of the above, a Renewal Certificate of Approval with a duration of ten (10) years should be issued by the Board to Comcast.

WHEREFORE, it is requested that this Honorable Board of Public Utilities issue to Comcast of Central New Jersey, LLC, an Automatic Renewal Certificate of Approval with a duration of ten (10) years, to continue to construct, operate and maintain a cable television system in the Township of Monroe.

Respectfully submitted,

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

By: 
Dennis C. Linken
Laura M. Miller

Dated: March 5, 2020

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

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Attorneys for Petitioner
Comcast of Central New Jersey, LLC
File No. 41000.3000

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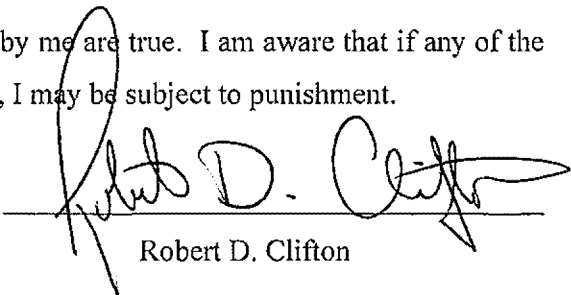
VERIFICATION

Docket No.

Robert D. Clifton, hereby certifies as follows:

1. I am Senior Director of Government and Regulatory Affairs of Comcast of Central New Jersey, 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: MARCH 4, 2020