



Agenda Date: 8/17/22
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

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 AUDUBON, COUNTY OF CAMDEN, STATE OF)
NEW JERSEY) DOCKET NO. CE20080519

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, on behalf of Comcast of Garden State, L.P.
Bonnie Taft, Clerk, Borough of Audubon, New Jersey

BY THE BOARD:¹

On March 21, 1975, the New Jersey Board of Public Utilities (“Board”) granted Cable Systems Incorporated a Certificate of Approval (“Certificate”) in Docket No. 749C-6051 for the construction, operation and maintenance of a cable television system in the Borough of Audubon (“Borough”). Through a series of transfers with the required Board approvals, Garden State Cablevision, L.P. (“Garden State”) became the holder of the Certificate. On September 26, 1991, the Board issued the Renewal Certificate of Approval (“Renewal Certificate”) to Garden State in Docket No. CE91020217.² Through a series of subsequent transfers, with the required Board approvals the current holder of the Certificate is Comcast of Garden State, L.P. (“Petitioner”). On March 22, 2006, the Board issued a Renewal Certificate to the Petitioner in Docket No. CE05090795. Although the Petitioner’s Renewal Certificate expired on March 21, 2020, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Renewal Certificate.

On February 21, 2020, the Petitioner notified the Borough of its intention to exercise its right under the automatic renewal provision of the Borough’s municipal consent and the Renewal Certificate.

¹ Commissioner Zenon Christodoulou abstained from voting on this matter.

² In Docket Nos. 8010C-6722 and CM89030342, the Board approved several transfers, which resulted in Comcast Cablevision of Garden State d/b/a Comcast Cablevision being the entity holding the Certificate of Approval.

On August 5, 2020, the Petitioner filed with the Board for Automatic Renewal of its Renewal Certificate for the Borough, pursuant to N.J.S.A. 48:5A-16, 19, and 25 and N.J.A.C. 14:17-6.9 and 14:18-13.6 ("Petition"). The Petition indicates that the Borough's ordinance granting municipal consent to the Petitioner provided for an initial term of 15 years with an automatic renewal term of 10 years.

The Petition is based on the Borough's ordinance adopted on July 26, 2005, granting renewal municipal consent to the Petitioner. On August 30, 2005, the Petitioner accepted the ordinance, which provided in part, for an automatic renewal term of 10 years.

DISCUSSION AND FINDINGS

The Board has reviewed the Petition and the application filed therein by the Petitioner. Based upon this review and the recommendation of the Office of Cable Television and Telecommunications, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial, and technical qualifications for the awarding of a Renewal Certificate, pursuant to N.J.S.A. 48:5A-22 to 29, N.J.A.C. 14:18-13.1 to .9.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate, and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 10 years, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Borough has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Borough shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Borough shall have the right to petition the Board for appropriate administrative action, pursuant to N.J.S.A. 48:5A-47, provided, however, that the Borough shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure the same within 90 days of that notification. If, after such reasonable notice and opportunity to cure, the Petitioner has not cured any such findings of non-compliance, the Borough may petition the Board for appropriate administrative action, including modification and/or termination of the Certificate of Approval.
6. The Petitioner shall provide service along any public right-of-way to any person's residence in the franchise territory at tariffed rates for standard and non-standard installation. All installations to commercial establishments will be constructed on a cost basis pursuant to the Petitioner's tariff.
7. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is

the Office of Cable Television and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.

9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 941 Haddonfield Road, Cherry Hill, New Jersey. The office is located within Camden County.
10. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3(x), derived from cable television charges or fees paid by subscribers for its cable television service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental access equipment and facilities as described in the application and the ordinance. The Petitioner shall continue to offer a shared educational and governmental ("EG") access channel for the use of residents of the Borough, Audubon Park Borough, Barrington Borough, Haddon Heights Borough, Haddon Township, Haddonfield Borough, Lawnside Borough, Oaklyn Borough and Woodlynne Borough. The governing bodies of the municipalities listed shall be responsible for developing, implementing and enforcing rules for the EG access channel, as stipulated in the ordinance. The Petitioner shall continue to offer a community bulletin board.
12. The Petitioner shall provide standard installation and Total Preferred cable television service, free of charge, to one (1) outlet to each police, fire, emergency management facility, community center and public library in the Borough, provided the facility is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough. Monthly service charges shall be waived on all additional outlets.
13. The Petitioner shall provide standard installation and Total Preferred cable television service, free of charge, to one (1) outlet in each school in the Borough, public and private, elementary, intermediate and secondary, provided the school is within 175 feet 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. Monthly service charges shall be waived on all additional outlets.
14. The Petitioner shall provide free basic Internet service via high-speed cable modem on one (1) non-networked personal computer in each qualified existing and future public school in the Borough, elementary, intermediate and secondary, at no charge, provided each facility is within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and shall not be used for administrative purposes only.
15. The Petitioner shall provide free basic Internet service via high-speed cable modem on one (1) non-networked personal computer in each qualified existing and future public library in the Borough, at no charge, provided that each facility is within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal

computer that is accessible to the library patrons and shall not be used for administrative purposes only.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has the municipal consent necessary to support the petition. Furthermore, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 to -64 and that the Petitioner has complied or is ready, willing, and able to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations. The Board also **FINDS** that the Petitioner has sufficient financial and technical capacity; that the Petitioner meets the legal, character, and other qualifications necessary to construct, maintain, and operate the necessary installations, lines, and equipment; and that the Petitioner is capable of providing the proposed service in a safe, adequate, and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Automatic Renewal Certificate of Approval as evidence of the Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Automatic Renewal Certificate of Approval is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television and Telecommunications, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. § 76.1 et seq., including but not limited to the technical standards 47 C.F.R. § 76.601 through § 76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate of Approval.

Failure to comply with all applicable laws, rules, regulations, and orders of the Board or the Office of Cable Television and Telecommunications or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

The Board **HEREBY ORDERS** the Automatic Renewal Certificate of Approval be issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A1 to -64.

This Certificate shall expire on March 21, 2030.

This Order shall be effective on August 24, 2022.

DATED: August 17, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


ROBERT M. GORDON
COMMISSIONER

ATTEST: 
CARMEN D. DIAZ
ACTING SECRETARY


I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

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 AUDUBON,
COUNTY OF CAMDEN, STATE OF NEW JERSEY

DOCKET NO. CE20080519

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