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LAWANDA R. GILBERT
DIRECTOR

OFFICE OF CABLE TELEVISION
& TELECOMMUNICATIONS
TEL: (609) 341-9186
FAX: (609) 777-3325

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

February 23, 2023

Dennis Linken, Esq.
Scarinci Hollenbeck, LLC
150 Clove Road, 9th Fl
Little Falls, NJ, 07424

Re: In the Matter of the Petition of Comcast of Monmouth County, LLC, for a Renewal Certificate of Approval to Continue to Construct, Operate and Maintain a Cable Television System in and for the Borough of Sea Bright, County of Monmouth, State of New Jersey, Docket No. CE22060380

Dear Mr. Linken;

The Office of Cable Television and Telecommunications ("OCTV&T") is in receipt of the above captioned Petition for Renewal Certificate of Approval and attached application for the Borough of Sea Bright ("Borough"). The OCTV&T staff have completed a review of the file would like the company to provide the following information in this matter:

1. **Section III. Cable Experience:** This section requires information for new applicants only. Staff notes that a response was provided. However, the application question for this section has been removed. Below is the complete question in the application, which can be found on the BPU Website. Please revise the application page appropriately to include the information that was removed.

1. List all cable television systems ever owned by applicant or any principal (or parent corporation or another subsidiary of parent) in which any of the former owned 3% or more of the equity interest.

Note: List the following information for each system

- (a) Name of system, principal municipalities, address and telephone number of principal office, date of franchise(s), percentage of franchise area constructed, approximate number of subscribers and percentage of penetration as of the date of this application, and date of disposition, if applicable.
- (b) Has the applicant or any principal (or the parent corporation or any other subsidiary of the parent) ever had any equity interest in any cable television system, in the State of New Jersey, as defined by N.J.S.A. 48:5A-1 et seq.

Yes _____ No _____

If yes, explain:

2. **Section VI. System Design Subsection 3:** This section requires, in part, the company to provide information as to the number, cable channel designation, type of access channels and their manner of operation and channel sharing. Staff notes that the application states contradictory information in subsections 3 and 4. Subsection 3. states that the company will provide a public access channel on Channel 20, however, subsection 4 states that the company will provide government access on Channel 20. Please provide an application page that clarifies whether the access channel provided on Channel 20 will be a public or governmental access channel.

3. **Section IV. System Design Subsection 6:** This section of the application requires, in part, the Company to describe in narrative form, any other services available to subscribers. Staff notes that the ordinance adopted on March 15, 2022, SECTION 14. COMMITMENTS BY THE COMPANY, Subsection a., speaks to negotiable provisions between the parties, including the Company providing Expanded Basic or a similar tier of cable television service to one (1) outlet to every Borough Building and each qualified existing and future municipal building, police, fire, emergency management facility, and public library in the Borough. However, it is noted that the adopted ordinance does not clearly state that the Company will be providing cable service, **free of charge**, to the locations listed in the ordinance. Please confirm that the Company will provide the above services at no cost to the municipality.

4. **Section VI. System Plant Subsection 2:** This section of the application requires the company to indicate the rate of annual construction. Staff notes that a response was provided. However, the application question for this section has been removed. Below is the complete question in the application, which can be found on the BPU Website. Please revise the application page appropriately to include the information that was removed.

	<u>miles of plant</u>			<u>% of Primary</u>
	<u>supertrunk</u>	<u>trunk</u>	<u>distribution</u>	<u>Service Area</u>
1st year:	aerial			
	Underground			
2nd year:	aerial			
	Underground			
3rd year:	aerial			
	Underground			
4th year:	aerial			
	Underground			
5th year:	aerial			
	Underground			

5. **Section VI. System Plant Subsection 4:** This section of the application requires a Map of the entire Municipality be attached as an appendix. Please note that the current map submitted with the application, does not meet the criteria that is listed in the application. Staff notes that the current map is missing Map Legend, Municipality Borders, all streets which are to receive services which should include the Primary Service Area, and all streets which will be served under a "Line Extension Policy" ("LEP").

Please submit a map that is legible and meets all of the following criteria; The Proposed Map is currently missing the following:

1. Map Legend
 2. Municipal Borders
 3. All of the streets should be labeled, legible and note which are to receive service as the Primary Service Area and the Area Designated for LEP
-
6. **Section VII. System Design Subsection 6:** This section requires equipment specification sheets. Staff notes that this question is not required for the Application for Renewal of Certificate of Approval and is only required for the System Wide Franchise Application. Please provide an updated application page that removes the question.
 7. **Section IX. Line Extension Policy:** The ordinance and application state that the OCTV&T's Line Extension Policy ("LEP") is applicable. However, no LEP was attached to the application as an Appendix. The current COA contains the OCTV&T's LEP, which will be used in the Borough and is attached.
 8. **Section XVI. Verification:** This section of the application requires Robert Clifton the Sr. Director of Government and Regulatory Affairs for Comcast of Monmouth County, LLC to verify that he is authorized on part of the applicant to file with the Borough the application and appendices attached thereto. However, no signature from Robert Clifton was provided for this section. Please provide a revised application page that includes Robert Clifton's signature.
 9. **Section XV. Special for Proposed Overbuilds:** This section of the application requires information for new applicants only. Staff notes that a response was provided. However, the application question for this section has been removed. Below is the complete question in the application, which can be found on the BPU Website. Please revise the application page appropriately to include the information that was removed.

All applicants proposing to overbuild an existing cable television system are requested to supply information on the following:

1. Construction of the System. Describe any anticipated additional construction problems associated with an overbuild; include costs, make-ready, service to underground areas and MDU's and steps to be taken to avoid unreasonable disruption of service. Provide specific data indicating how make-ready estimates were determined.
2. Financing. Describe any anticipated additional costs and the basis for revenue projections, including anticipated penetration, associated with an overbuild.
3. A description of any other operating or attempted cable television overbuilds or dual builds by the applicant.

Please respond to this correspondence by March 10, 2023. If you should have any questions, please contact me at (609) 341-9170 or e-mail nancy.wolf@bpu.nj.gov.

Sincerely,



Nancy J. Wolf
Administrative Analyst 4

nw/ab
Enclosures

C: Christine Pfeiffer, Borough Clerk (w/enc.)
Roger McLaughlin, Esq., Borough Attorney (w/enc.)
Robert Clifton, Comcast of Monmouth County, LLC (w/enc.)
Stan Barrett, Esq., Scarinci Hollenbeck, LLC (w/enc.)
Ashley Bliss, OCTV&T (w/enc.)

APPENDIX "I"
OFFICE OF CABLE TELEVISION
LINE EXTENSION POLICY

COMCAST OF MONMOUTH COUNTY, LLC
BOROUGH OF SEA BRIGHT

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

- | | | |
|---|---|---|
| 1. <u># of homes in extension</u>
mileage of extension | = | homes per mile (HPM) of
extension |
| 2. <u>HPM of extension</u>
Minimum HPM that
company actually
constructs in the
system * | = | ratio of the density of
the extension to the
minimum density which the
company constructs in the
system ("A") |
| 3. Total cost of building
the extension times "A" | = | company's share of
extension cost |
| 4. Total cost of building
extension less company's
share of extension cost | = | total amount to be
recovered from
subscribers |
| 5. Total amount to be
<u>recovered from subs</u>
Total subscribers in extension | = | each subscriber's share |

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension area of their rights and responsibilities concerning the extension.
4. Once the share of extension costs have been paid for an individual dwelling unit, future reconnections or installations to that unit shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.