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August 24, 2023

Carolina Santos,  
Borough Clerk  
Borough of West Long Branch  
965 Broadway  
West Long Branch, NJ 07764

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 West Long Branch, County of Monmouth, State of New Jersey - Docket No. CE23010048

Dear Ms. Santos:

The Office of Cable Television and Telecommunications ("OCTV&T") is in receipt of the above captioned Petition for a Certificate of Approval ("COA") and attached application for the Borough of West Long Branch ("Borough"). The following is a request for additional information the OCTV&T would like the Borough to furnish prior to the completion of our review:

The current ordinance adopted on August 3, 2022 at **SECTION 5. FRANCHISE FEE** indicates that the Company shall pay to the municipality 3.5% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television service in the Borough. However, the current Certificate of Approval ("COA") issued by the Board of Public Utilities ("Board") in Docket No. CE10090689 at Section 9 requires that the franchise fee to be paid to the Borough is 2% of the Company's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television service in the Borough. A Traditional municipal consent franchise may have a higher franchise fee if triggered by the Company either converting to a System-wide Franchise ("SWF") or if a competing SWF can certify that it is capable of providing service to 60% or more of the homes in the Municipality. However, the OCTV&T has no record of a signed Board order being issued to increase the franchise fee in the Borough to 3.5%. Thus, the 3.5% franchise fee is not applicable to the Borough.

It is therefore recommended that the language providing for a higher franchise fee to the Borough be deleted from the ordinance. In the alternative, if the Borough does not wish to amend the Ordinance, the Board will be required to address the deficiency in its review of the Application in the Certificate of Approval, wherein the OCTV&T may recommend to the Board that the language be stricken. **Staff is requesting that the Borough review the matter and provide information as to how it chooses to address the problematic provision.**

Please respond to this correspondence by September 8, 2023. If you should have any questions, please contact me at (609) 341-9170 or email [nancy.wolf@bpu.nj.gov](mailto:nancy.wolf@bpu.nj.gov).

Sincerely,



Nancy J. Wolf  
Administrative Analyst 4

NJW/sk

- c: Stephanie C. Dollinger, Borough Administrator
- Gregory S. Baxter, Esq., Borough Attorney
- Robert Clifton, Sr. Director of Govt. & Reg. Affairs, Comcast
- Stan Barrett, Esq., Scarinci Hollenbeck, LLC
- Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC
- Stephanie Katz, OCTV&T