



Agenda Date: 9/4/24
Agenda Item: IIIB

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 MONMOUTH COUNTY, LLC FOR A RENEWAL) RENEWAL CERTIFICATE OF
CERTIFICATE OF APPROVAL TO CONTINUE TO) APPROVAL
CONSTRUCT, OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE)
BOROUGH OF HIGHLANDS, COUNTY OF)
MONMOUTH, STATE OF NEW JERSEY) DOCKET NO. CE23080581

Parties of Record:

Stan Barrett, Esq., Scarinci Hollenbeck, LLC, on behalf of Comcast of Monmouth County, LLC
Nancy Tran, Clerk, Borough of Highlands, New Jersey

BY THE BOARD:

On February 4, 1981, the New Jersey Board of Public Utilities (“Board”) granted Monmouth Cablevision, Inc. a Certificate of Approval (“Certificate”), in Docket No. 8010C-6720, for the construction, operation and maintenance of a cable television system in the Borough of Highlands (“Borough”). Through a series of transfers with required Board approvals, Comcast Cablevision of Monmouth County, Inc. (“Comcast”) became the holder of the Certificate. On March 28, 1996, the Board granted Comcast a Renewal Certificate of Approval (“Renewal Certificate”) for the Borough in Docket No. CE96010085. Based on a name change, the current holder of the Certificate is Comcast of Monmouth County, LLC (“Petitioner”). On December 18, 2008, the Board issued a Renewal Certificate to the Petitioner for the Borough, in Docket No. CE08060456. Although, by its terms, the Petitioner’s above referenced Certificate expired on February 4, 2021, the Petitioner 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 Certificate.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on May 4, 2020, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On December 21, 2022, the Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner (“Ordinance”). The Petitioner formally accepted the terms and conditions of the Ordinance on April 4, 2023. On August 22, 2023, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Borough.

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the Ordinance, and the petition for a Renewal Certificate. 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 Certificate. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process.
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 ten (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 ninety (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.
6. The Petitioner shall provide service to all areas of the Borough, at no cost beyond standard and non-standard installation charges, as set forth in the Petitioner's application.
7. The Petitioner shall maintain an informational schedule of prices, terms and conditions for unregulated service, 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. During the term of this franchise, and any renewal thereof, the Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating, and resolving complaints regarding the quality of service, equipment malfunctions, and similar matters. The Petitioner currently maintains a local office located at 310 Route 36, West Long Branch, New Jersey.
10. The franchise fee to be paid to the Borough is specified to be two percent (2%) of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough or any additional amount required by N.J.S.A. 48:5A-30. Additional regulatory fees shall be

paid to the State in an amount not to exceed two percent (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 ("PEG") access channels and facilities in accordance with its renewal application and the Ordinance. Specifically, the Petitioner shall continue to make available to the Borough one (1) system-wide public access channel, one (1) dedicated system-wide municipal access channel, and one (1) educational channel from the Brookdale College. The Petitioner will maintain the cable, modulators, and equipment necessary for the Borough.
12. Within six (6) months of the effective date of this Certificate, the Petitioner shall provide to the Borough a one-time PEG Access Capital Grant of \$7,000 to meet the PEG Access capital needs of the community. Upon completion, the Petitioner shall submit proof to the Office of Cable Television and Telecommunications indicating its compliance with this provision.
13. The Petitioner will provide, free of charge, basic cable service, to one (1) outlet in the Borough Hall, First Aid, Fire Department, Department of Public Works and Police Department buildings, provided the building is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and labor basis by the Borough requesting service(s). Monthly service charges shall be waived on all additional outlets except for service charges for equipment.
14. The Petitioner shall provide cable television services, on one (1) outlet at no cost to each school in the Borough, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of the active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and labor basis by the school requesting service(s). Monthly service charges shall be waived on all additional outlets except for service charges for equipment.

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; that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 to 64; 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; that the Petitioner has sufficient financial and technical capacity, and 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 Renewal Certificate as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate 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.

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


This Renewal Certificate is 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. 48:5A-1 to 64.

This Certificate shall expire on February 4, 2031.

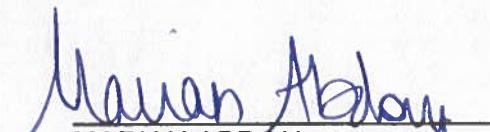
This Order shall be effective on September 11, 2024.

DATED: September 4, 2024

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST:


SHERRI L. GOLDEN
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 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 HIGHLANDS, COUNTY OF MONMOUTH, STATE OF
NEW JERSEY

DOCKET NO. CE23080581

SERVICE LIST

Stan Barrett, Esq.
Scarinci Hollenbeck, LLC
331 Newman Springs Road
Building 3, Suite #310
Red Bank, NJ 07701-5692
sbarrett@sh-law.com

Dennis C. Linken, Esq.
Scarinci Hollenbeck, LLC
150 Clove Road, 9th Fl
Little Falls, NJ, 07424
dlinken@sh-law.com

Nancy Tran
Borough Clerk
Borough of Highlands
151 Navesink Ave,
Highlands, NJ 07732
clerk@highlandsborough.org

Robert Clifton
Senior Director
Govt. & Regulatory Affairs
Comcast Cable
403 South Street
Eatontown, New Jersey 07724
robert_clifton@comcast.com

Meliha Arnautovic, DAG
NJ Department of Law & Public Safety
Division of Law
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street
Post Office Box 112
Trenton, NJ 08625
meliha.arnautovic@law.njoag.gov

Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

Sherri L. Golden, Board Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Office of Cable Television and Telecommunications

Lawanda R. Gilbert, Esq., Director
lawanda.gilbert@bpu.nj.gov

Nancy J. Wolf, Administrative Analyst 4
nancy.wolf@bpu.nj.gov

Stephanie Katz, Administrative Analyst 1
stephanie.katz@bpu.nj.gov

Counsel's Office

Carol Artale, Deputy General Counsel
carol.artale@bpu.nj.gov

Kit Burnette, Regulatory Officer
kit.burnette@bpu.nj.gov