

businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules apply only to law enforcement agencies, all of which are public entities.

#### Housing Affordability Impact Analysis

The rules proposed for readoption with an amendment will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood the rules would evoke a change in the average costs associated with housing.

#### Smart Growth Development Impact Analysis

The rules proposed for readoption with an amendment will have no impact on the achievement of smart growth and there is an extreme unlikelihood that the rulemaking would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the implementation of the State Development and Redevelopment Plan because the rules proposed for readoption with an amendment concern reporting of crime statistics by law enforcement agencies.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Division has evaluated the rulemaking and determined that they will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:57.

**Full text** of the proposed amendment follows (additions indicated in boldface **thus**; deletion indicated in brackets [thus]):

#### SUBCHAPTER 1. GENERAL PROVISIONS

13:57-1.2 Reports to Attorney General (State Police to act as collecting agency); types of forms; by whom; when submitted

(a) A law enforcement agency shall submit reports, [and] Summary Reporting System data, **and National Incident-Based Reporting System data**, electronically to the Uniform Crime Reporting (UCR) in the New Jersey State Police UCR Repository website. If the law enforcement agency does not have access to the New Jersey State Police UCR repository, the agency shall submit this information through an electronic interface from the law enforcement agency's records management system prescribed by the New Jersey State Police UCR Program.

(b)-(k) (No change.)

## PUBLIC UTILITIES

### (a)

#### BOARD OF PUBLIC UTILITIES

#### Rules of Practice and Procedure of the Office of Cable Television

#### Proposed Readoption with Amendments: N.J.A.C. 14:17

#### Proposed New Rule: N.J.A.C. 14:17-6.11

#### Proposed Repeals: N.J.A.C. 14:17-1.5, 6.16, and 6.17

Authorized By: Lawanda R. Gilbert, Director, Office of Cable Television (with approval of the Board of Public Utilities, Christine Guhl-Sadovy, President; Dr. Zenon Christodoulou, Ph.D., Marian Abdou, and Michael Bange, Commissioners).

Authority: N.J.S.A. 48:5A-10.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: CX23100741.

Proposal Number: PRN 2024-030.

A **virtual public hearing** concerning the notice of proposal will be held on April 23, 2024, at 10:00 A.M. Information about the public hearing can be found on the New Jersey Board of Public Utilities' ("BPU" or "Board") website at <https://www.nj.gov/bpu/newsroom/public/>. The deadline for electronically submitted comments on this matter is 5:00 P.M. on May 31, 2024; comments submitted by mail or other courier service must be postmarked by May 31, 2024. Please submit comments directly by using the Board's Public Document Search tool, search for the specific docket listed above, and post by utilizing the "Post Comments" button. Written comments may also be submitted. Please include subject matter and docket number and submit to:

Sherri L. Golden  
Secretary of the Board  
New Jersey Board of Public Utilities  
44 South Clinton Ave., 1st Floor  
P.O. Box 350  
Trenton, NJ 08625-0350  
Attn: BPU Docket Number: CX23100741  
Email: [board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)  
Phone: 609-292-1599

All comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

The agency proposal follows:

#### Summary

Pursuant to the New Jersey Cable Television Act (Cable Television Act), specifically N.J.S.A. 48:5A-9 and 10, the Director of the Office of Cable Television ("OCTV" or "Office"), with approval of the Board of Public Utilities, is empowered to promulgate rules and procedures necessary to carry out the purposes of the Cable Television Act. N.J.A.C. 14:17 sets forth the procedural rules governing cable television companies. These rules are necessary to ensure orderly regulation of the cable television industry in the State of New Jersey.

By filing this notice of rules proposed for readoption with amendments, repeals, and a new rule with the New Jersey Office of Administrative Law (OAL) prior to March 24, 2024, the expiration date of these rules is extended 180 days to September 20, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2). As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements set forth at N.J.A.C. 1:30-3.1 and 3.2, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Board proposes that N.J.A.C. 14:17 be readopted with amendments, repeals, and a new rule. In developing the rulemaking, the Board conducted stakeholder outreach through public meetings and acceptance of written comments by interested parties.

The following is a section-by-section summary of the rules proposed for readoption and the proposed amendments, repeals, and new rule. If an amendment is proposed for clarity, grammar, or conformance with the OAL's Rules on Agency Rulemaking (N.J.A.C. 1:30), no further discussion is needed; please note these changes are purely technical in nature and do not affect the substance of the chapter.

N.J.A.C. 14:17-1.1 pertains to the scope of the chapter.

N.J.A.C. 14:17-1.2 pertains to construction of, and amendments to, the chapter. The Board proposes to amend paragraph (b)2 to permit a person or entity seeking a waiver of OCTV rules to apply electronically, in addition to, in writing, and to permit such applications to be made to the Board Secretary, in addition to the Director.

N.J.A.C. 14:17-1.3 defines certain words and terms utilized in this chapter and is proposed for amendment to add a definition for "electronically filed."

N.J.A.C. 14:17-1.4 designates the OCTV's official address. An amendment is proposed to reflect the correct mailing address for the Board at newly codified subsection (a) and the Board's official hours, which have been relocated from N.J.A.C. 14:17-1.5, which is proposed for repeal.

N.J.A.C. 14:17-1.5 designates the official hours of the OCTV. This section is proposed for repeal.

N.J.A.C. 14:17-1.6 pertains to the transmittal of communications with the Board and the OCTV. Amendments to subsections (a) and (c) are proposed to reflect the correct mailing address for the Board. The Board proposes further amendments to subsection (a) to permit filing with the Board Secretary by email, electronically, hand delivery, or regular mail. The Board proposes to delete subsection (d) to conform with the amendments at N.J.A.C. 14:17-1.6, governing when communications filed with the Board are deemed received.

N.J.A.C. 14:17-1.7 pertains to public records maintained by the Board and is proposed for amendment to clarify that certain documents can be received by email or regular mail upon payment of appropriate fees.

N.J.A.C. 14:17-1.8 pertains to the use of cameras and recording devices at proceedings before the Board and the role of the Office of Communications in making arrangements for such use and is proposed for amendment to substitute “fitting dignity and decorum” with “proper decorum,” pertaining to the conduct of Board proceedings.

N.J.A.C. 14:17-2.1 notes that the Board and the OCTV have statutory authority to collect fees and charges, pursuant to N.J.S.A. 48:5A-1 et seq., and 47:1A-1 et seq. N.J.A.C. 14:17-2.1(b) is intended to parallel the Board’s rule at N.J.A.C. 14:1-2.1, in that the collection of fees and charges is inapplicable to cable television operators, except as otherwise provided for. N.J.A.C. 14:1-2.1 provides that, pursuant to N.J.S.A. 48:2-72, the collection of fees and charges shall be inapplicable to public utilities subject to assessment pursuant to N.J.S.A. 48:2-59.

N.J.A.C. 14:17-2.2 requires all fees to be paid prior to the acceptance of any filing or the processing of any request for copies of documents. An amendment is proposed at subsection (a) to reflect the correct mailing address for the Board.

N.J.A.C. 14:17-3.1 pertains to evidence of authority to appear before the Board and is proposed for amendment to clarify that such authority is subject to N.J.A.C. 1:1-5.1, 5.2, and 5.4.

N.J.A.C. 14:17-3.2 pertains to ethical conduct before the Board and *ex parte* communications.

N.J.A.C. 14:17-3.3 pertains to the appearance of former Board employees and members of the Attorney General’s Office before the Board for six months after severing their association with the Board and beyond and is proposed for amendment to conform with N.J.A.C. 14:1-3.3. New subsection (b) provides that after the expiration of the six-month period, no former member or employee of the Board or member of the Attorney General’s Office assigned to the Board may appear in a representative capacity before the Board on behalf of any third party, except for the State or a third party engaged by the Board to perform work on its behalf and under its control and direction, at any time in any specific cause, proceeding, application, or matter wherein the former employee or member had direct and substantial involvement while associated with the Board.

N.J.A.C. 14:17-4.1 defines pleadings before the Board.

N.J.A.C. 14:17-4.2 sets forth the number of copies of pleadings to be filed with the Board and is proposed for amendment to change the number of required copies from 10 to one, when filed by hard copy.

N.J.A.C. 14:17-4.3 pertains to attachments to pleadings. New subsection (b) provides that this section shall not apply to entities exempted by the Federal Communications Commission from using the Uniform System of Accounts.

N.J.A.C. 14:17-4.4 pertains to defective pleadings.

N.J.A.C. 14:17-4.5 pertains to service and notice of proceedings.

N.J.A.C. 14:17-4.6 pertains to verification of pleadings.

N.J.A.C. 14:17-4.7 pertains to the amendment of pleadings as a result of changes in fact or circumstances.

N.J.A.C. 14:17-6.1 pertains to the form and content of petitions.

N.J.A.C. 14:17-6.2 pertains to those occasions where the relief sought in a petition also requires the approval or authorization of any other State or Federal regulatory body and is proposed for amendment to change the number of required copies of any application, or amendment thereof, to such government bodies and any issued order or certificate relating to such application from three to one.

N.J.A.C. 14:17-6.3 pertains to the joinder of requests for relief.

N.J.A.C. 14:17-6.4 pertains to the procedures to be employed by the OCTV upon filing of a petition and is proposed for amendment to

maintain consistency with N.J.A.C. 14:1-5.4 (pertaining to filing with the Secretary of the Board).

N.J.A.C. 14:17-6.5 pertains to filing of complaints in lieu of petition and to complaint procedures where the OCTV is designated as a complaint officer. The Board proposes to amend subsection (a) to update the filing method to electronic filing from facsimile or other writing. The Board also proposes to amend subsection (i) and the chapter as a whole to update the listing of cross-references to N.J.A.C. 14:17-6.1 through 6.4, to conform with OAL standards.

N.J.A.C. 14:17-6.6 pertains to petitions for certificates of approval. The Board proposes to clarify the section heading to indicate that the “certificate” is an “initial certificate.” The Board proposes to amend paragraph (a)4 to clarify that applications for cable television franchise must be provided on a standard form supplied by the Office.

N.J.A.C. 14:17-6.7 pertains to petitions for approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based.

N.J.A.C. 14:17-6.8 pertains to petitions for approval of the transfer of certificates of approval or systemwide cable television franchises.

N.J.A.C. 14:17-6.9 pertains to petitions for renewal of certificates of approval. The Board proposes to amend paragraph (a)1 to require a copy of the current certificate of approval be provided as part of the petition.

N.J.A.C. 14:17-6.10 pertains to petitions for the approval of the sale or lease of property. The Board proposes to amend paragraph (a)1 to clarify that an original and one copy of Schedule “A”, as described, is required.

Proposed new N.J.A.C. 14:17-6.11 pertains to petitions for initial or renewal systemwide franchises. The petitions are required to conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable, and the petitions are to contain six attached exhibits listed at subsection (a).

N.J.A.C. 14:17-6.12 pertains to petitions for reconsideration of assessments.

N.J.A.C. 14:17-6.13 pertains to petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness, or to execute mortgages. The Board proposes to amend paragraph (a)6 to clarify the language, by replacing “theretofore” with “previously.”

N.J.A.C. 14:17-6.14 pertains to petitions for authority to transfer capital stock.

N.J.A.C. 14:17-6.15 pertains to petitions for permission to lend money or property.

N.J.A.C. 14:17-6.16 pertains to tariff filings that do not propose increases in charges to customers. N.J.A.C. 14:17-6.17 pertains to tariff filings or petitions, which propose increases in charges and requires Board adherence to FCC rate regulation rules. These sections are proposed for repeal pursuant to changes in Federal law preempting the Board’s regulatory authority over cable television rates.

N.J.A.C. 14:17-6.18 pertains to petitions for approval of a merger or consolidation.

N.J.A.C. 14:17-6.19 pertains to petitions for permission to keep books and records outside the State of New Jersey. The Board proposes to amend paragraph (a)10 to update required contact information for the petitioner’s statutory agent.

N.J.A.C. 14:17-6.20 pertains to petitions by municipalities for permission to charge a franchise fee above that prescribed at N.J.S.A. 48:5A-1 et seq.

N.J.A.C. 14:17-6.21 pertains to petitions to set aside municipal or county refusal of zoning or other necessary authorization refusal pursuant to N.J.S.A. 48:5A-17.e. The Board proposes to amend subsection (b) to update filing information and subsection (c) to clarify that the hearings to be held are not required to be at a physical location within the affected community, thereby expanding the options to include virtual hearings.

N.J.A.C. 14:17-6.22 requires anyone wishing to act as a private aggregator for the purpose of facilitating the joint municipal consent action by two or more municipalities to register with the OCTV.

N.J.A.C. 14:17-7.1 pertains to the form and content of answers and replies filed in proceedings before the Board. The Board proposes to amend this section to clarify and update the procedural process consistent with State and Federal law, changing the “Office” to the “Board” and to delete subsection (d).

N.J.A.C. 14:17-7.2 pertains to the time for the filing of answers and replies filed in proceedings before the Board.

N.J.A.C. 14:17-8.1 sets forth the purposes of conducting pre-transmittal conferences.

N.J.A.C. 14:17-8.2 pertains to the initiation of pre-transmittal conferences.

N.J.A.C. 14:17-8.3 pertains to the stipulation of pre-transmittal conference results. The Board proposes to amend subsection (a) to change the number of copies of a written stipulation required to be filed with the Board from three copies to an original and one copy pursuant to N.J.A.C. 14:17-4.

N.J.A.C. 14:17-8.4 sets forth the authority of Board- or OCTV-designated officers.

N.J.A.C. 14:17-8.5 pertains to approval of settlements.

N.J.A.C. 14:17-9.1 sets forth the procedures to be followed in contested cases.

N.J.A.C. 14:17-9.2 pertains to oral argument before the Board after receipt of an initial decision and the exceptions and answers thereto.

N.J.A.C. 14:17-9.3 pertains to the review of an initial decision by the Board on its own motion.

N.J.A.C. 14:17-9.4 sets forth the method of reopening a hearing prior to the issuance of a final decision by the Board.

N.J.A.C. 14:17-9.5 pertains to motions to reopen a proceeding after the issuance of a final decision by the Board.

N.J.A.C. 14:17-9.6 pertains to motions for the rehearing, reargument, or reconsideration of a proceeding.

N.J.A.C. 14:17-9.7 pertains to motions and answers on rehearing. The Board proposes to clarify the section heading and to add new subsection (e) to address appeals of Board orders in accordance with court rules. This new subsection provides that appeals must be made to the Appellate Division within 45 days and clarifies the rules and procedures for filing an appeal.

N.J.A.C. 14:17-10.1 pertains to uncontested case proceedings before the Board.

N.J.A.C. 14:17-10.2 pertains to the designation by the Board of a person to act as the Board's representative to conduct a hearing in an uncontested matter pending before the Board.

N.J.A.C. 14:17-10.3 pertains to the filing of pleadings, correspondence, and other documents regarding an uncontested case. The Board proposes to change the person with whom filings are made from the "presiding officer" to "Secretary of the Board".

N.J.A.C. 14:17-10.4 pertains to the use of cameras and recording devices in uncontested cases.

N.J.A.C. 14:17-10.5 pertains to appearances before the Board in uncontested cases.

N.J.A.C. 14:17-10.6 requires that three days be added to any prescribed period when service is made by mail.

N.J.A.C. 14:17-11.1 requires parties to whom an order is directed to notify the Board on or before the date specified in said order, whether or not the party has come into compliance.

N.J.A.C. 14:17-11.2 requires a party to respond within 15 days to any recommendation made by the Board.

N.J.A.C. 14:17-11.3 pertains to the extension of time limits for compliance.

N.J.A.C. 14:17-11.4 requires that a cable television company must submit a report within 15 days of receipt of any letter or notice from the Board or the OCTV directing an investigation of any matter under its jurisdiction.

#### **Social Impact**

The rules proposed for readoption with amendments, repeals, and a new rule govern the procedural rules for initial petition filings and uncontested cable television matters brought before the Board and/or the Director of the OCTV.

The rules proposed for readoption with amendments, repeals, and a new rule are designed to ensure orderly practice and procedure before the Board and the OCTV by establishing both guidelines and specific requirements pertaining to the filing of petitions requesting relief from the Board or the OCTV, and to all other submissions related thereto, as well as to the handling of all proceedings before the OCTV and to the

participation and conduct of all affected parties. As the rules set forth the specific information that must be included in all filings, as well as the time frames within which said information must be submitted, the rules proposed for readoption with amendments, repeals, and a new rule are essential if the OCTV is to process those petitions lawfully before it in an expeditious and just manner. While the majority of matters before the OCTV are brought by regulated cable television companies, petitions are also filed by persons who have grievances against regulated cable television companies or who seek other relief that is within the jurisdiction of the Board and the OCTV.

#### **Economic Impact**

This chapter imposes procedural requirements on cable television operators. Thus, it has some impact on operating costs, which are, to some extent, passed on to the subscriber.

While the rules proposed for readoption with amendments, repeals, and a new rule impose no direct or specific costs, with the exception of the cost for filing of petitions and for hearings, pursuant to N.J.S.A. 48:5A-16, 17, and 18, all petitioners and other parties will incur varying levels of expenses in preparing and litigating petitions before the Board. Said expenses will include costs related to legal assistance, accounting work, engineering input, and expert witnesses, as well as to those expenses involved in physically preparing and filing the appropriate submissions. It is believed that the reduction in the amount of copies to be filed will result in some minimal cost savings. With regard to regulated cable companies, all reasonable levels of expenses incurred in complying with these requirements will be considered business expenses recoverable through customer charges. All fees and charges associated with practice and procedures before the Board and the OCTV are set forth pursuant to N.J.S.A. 47:1A-2 and 48:5A-1 et seq.

#### **Federal Standards Statement**

While many of the rules proposed for readoption with amendments, repeals, and a new rule are subject to Federal laws, rules, regulations, and standards, including rate regulations and associated procedures (47 CFR 76.900), the Board does not believe that any of the rules proposed for readoption with amendments, repeals, and a new rule conflict with or exceed Federal standards. Instead, the rules either directly codify existing Federal requirements or are explicitly within the scope of regulation that the Federal government reserved for the local franchising authority, which in this case, is the Board.

#### **Jobs Impact**

It is not anticipated that the rules proposed for readoption with amendments, repeals, and a new rule will result in the creation of new jobs or the loss of existing jobs. The rules proposed for readoption with amendments, repeals, and a new rule will not have an impact on any other sector of the economy of the State of New Jersey.

#### **Agriculture Industry Impact**

The rules proposed for readoption with amendments, repeals, and a new rule will have no impact on the agricultural industry.

#### **Regulatory Flexibility Statement**

There are no small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., to which the rules proposed for readoption with amendments, repeals, and a new rule would apply. The businesses affected all have more than 100 full-time employees and/or are based out-of-State.

#### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments, repeals, and a new rule will have no impact on the cost of housing or number of housing units. The rules proposed for readoption with amendments, repeals, and a new rule concern practice and procedure before the Board of Public Utilities.

#### **Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments, repeals, and a new rule will have no impact on the cost of housing, the number of housing units, or new construction within Planning Areas 1 and 2, or designated centers, pursuant to the State Development and Redevelopment Plan. The rules proposed for readoption with

amendments, repeals, and a new rule concern practice and procedure before the Board of Public Utilities.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The rules proposed for readoption with amendments, repeals, and a new rule will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in New Jersey. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:17.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 14:17-1.5, 6.16, and 6.17.

**Full text** of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

14:17-1.1 Scope

[These rules] **This chapter** shall govern practice and procedure before the Office of Cable Television [and within] of the Board of Public Utilities.

14:17-1.2 Construction and amendment

(a) [These rules] **This chapter** shall be liberally construed to permit the Office to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Office.

(b) In special cases and for good cause shown, the Office, with the concurrence of the Board, may relax or permit deviations from [these rules] **this chapter**.

- 1. (No change.)
- 2. Any person or entity seeking waiver of any of the Office’s rules, or parts thereof, shall apply, in writing, **or electronically, through email**, to the Director **and the Board Secretary**. A [written] request for waiver shall include the following:
  - i.iii (No change.)
  - 3. (No change.)
- (c) (No change.)

14:17-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...  
**“Electronically filed” means submitted to the Board Secretary through the Board’s External Access Portal, <https://www.nj.gov/bpu/agenda/efiling/>, or emailed to [Board.Secretary@bpu.nj.gov](mailto:Board.Secretary@bpu.nj.gov).**  
 ...

14:17-1.4 Offices and hours

(a) The statutory offices of the Board, the [office of the] Secretary of the Board, and the Office of Cable Television are located at 44 South Clinton Avenue, [3rd Floor, Suite 314,] PO Box 350, Trenton, New Jersey 08625-0350.

(b) **All offices of the Board are open on weekdays from 9:00 A.M. to 5:00 P.M., unless otherwise authorized by the Board.**

(c) **The offices are closed on legal holidays, Saturdays, and Sundays.**

14:17-1.5 (Reserved)

14:17-1.6 Communications

(a) All pleadings, correspondence, and other papers should be [addressed] **submitted to the Board Secretary by email, filed electronically through the Board’s External Access Portal, hand delivered, or mailed** to the Secretary, Board of Public Utilities, 44 South Clinton Avenue, [3rd Floor, Suite 314,] PO Box 350, Trenton, New Jersey 08625-0350.

- (b) (No change.)
- (c) Additional copies of such pleadings and correspondence for the Director and staff may be sent to the Director, Office of Cable Television,

**Board of Public Utilities**, 44 South Clinton Avenue, [3rd Floor, Suite 314,] PO Box 350, Trenton, New Jersey 08625-0350.

[(d) As (a) and (b) above require that all correspondence be addressed to the Board and that said submission shall be deemed to be officially received when delivered at the office of the Board, any documents received via fax or electronically pursuant to N.J.A.C. 14:1-4.2A will neither be date/time stamped as formally received by the Board nor be entered into the case or rulemaking record, except as provided under N.J.A.C. 14:1-1.6 or 4.2A. Such documents shall only be distributed to the addressee.]

14:17-1.7 Official records

- (a) (No change.)
- (b) Copies of rules and regulations and orders and decisions of the Board will be furnished by the Secretary **by email or regular mail** upon payment of appropriate fees.

14:17-1.8 Cameras and recording devices

- (a) Proceedings before the Board or Office shall be conducted with [fitting dignity and] **proper decorum**.
- (b)-(g) (No change.)

SUBCHAPTER 2. FEES AND CHARGES

14:17-2.2 Payment of fees and charges

(a) No petition, report notice, **or other** document [or other paper] will be accepted for filing, and no request for **hard** copies of any forms, pamphlets, **or** documents [or other papers] will be granted, nor action taken by the Board or Office unless such filings and requests are accompanied by the required fees or charges, as provided by law and [these rules] **this chapter**.

(b) All checks for payment of such fees and charges shall be made payable to the order of “Treasurer, State of New Jersey” and delivered or mailed to the Secretary of the Board, or [its] designee, 44 South Clinton Avenue, [3rd Floor, Suite 314,] PO Box 350, Trenton, New Jersey 08625-0350. The check shall include a description as to the nature of the payment.

SUBCHAPTER 3. APPEARANCE AND PRACTICE BEFORE THE BOARD OR OFFICE

14:17-3.1 Appearances

Any person appearing before or transacting business with the Board or Office in a representative capacity may be required by the Board or Office to file evidence of his or her authority to act in such capacity, **subject to the provisions at N.J.A.C. 1:1-5.1, 5.2, and 5.4.**

14:17-3.3 Former employees

(a) [Except with the written permission of the Board, no] **No** former member or employee of the Board or member of the Attorney General’s [staff] **Office** assigned to the Board may appear **before the Board or engage with Board staff** in a representative capacity **by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness on behalf of [other parties] any third-party, except for the State or a third-party engaged by the Board to perform work on its behalf under its control and discretion,** at any time, within six months after [severing his or her association with] **separation from the Board[, nor may he or she appear aftersaid] after said six-month period in any proceeding wherein he or she previously took an active part when associated with the Board] or the Office of the Attorney General.**

(b) **After the expiration of the six-month period, no former member or employee of the Board or member of the Attorney General’s Office assigned to the Board may appear in a representative capacity, by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness, on behalf of any third-party, except for the State or a third-party engaged by the Board to perform work on its behalf and under its control and direction, at any time, in any specific case, proceeding, application, or matter wherein the former employee or member had direct and substantial involvement while associated with the Board.**

## SUBCHAPTER 4. PLEADINGS

## 14:17-4.2 Number of copies

(a) Unless otherwise required or permitted [by] **pursuant to N.J.A.C. 14:1-4.2**, there shall be filed with the Board for its own use, an original and [10] **one** conformed [copies] **copy** of each pleading or other [paper] **document** and amendment thereof, [and in addition, an electronic version of each filing, proceeding, or other paper and amendment thereof] **when filed by hard copy.**

(b)-(c) (No change.)

## 14:17-4.3 Attachments to pleadings

(a) All balance sheets, income statements, and journal entries submitted with pleadings must conform to generally accepted accounting principles and generally accepted auditing principles, or, if adopted [under] **pursuant to State or Federal law**, any applicable [uniform system of accounts] **Uniform System of Accounts.**

(b) **This section shall not apply to entities exempted by the Federal Communications Commission from using the Uniform System of Accounts.**

## SUBCHAPTER 6. PETITIONS

## 14:17-6.2 Applications to other regulatory bodies

(a) Where the relief sought in a petition also requires the approval or authorization of any other state or Federal regulatory body, the petition to the Office shall so state and include the following:

1.-2. (No change.)

3. If such an application or an amendment thereof is filed with another state or Federal regulatory body subsequent to date of filing with this Board but prior to its determination, [three copies] **a copy** of such application or amendment thereof, together with [three copies] **a copy** of any order or certificate issued relating thereto, shall be filed with the Office and served upon other parties of record.

## 14:17-6.4 Procedures of Office on filing of petition

(a) If, in the opinion of the Office, the petition complies substantially with [these rules] **this subchapter** and appears on its face to state a matter within this Office's jurisdiction[, any] **and** necessary copies have been received and fees paid, [the Director shall file same with] the Secretary of the Board **shall file same.**

(b)-(d) (No change.)

## 14:17-6.5 Handling informal complaint to the Office as complaint officer in lieu of petition

(a) For any customer of a cable television company operating under a [system-wide] **systemwide** franchise, or when a municipality has designated the Office as the "complaint officer" pursuant to the applicable provisions [of] **at N.J.S.A. 48:5A-1 et seq.**, an informal complaint may be made by letter, email, [facsimile or other writing,] **or electronic filing** in lieu of filing a petition.

(b)-(h) (No change.)

(i) A party desiring a decision on order of the Board must file a petition in accordance with N.J.A.C. 14:17-4, [and] 6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable.

14:17-6.6 Petitions for **initial** certificate of approval

(a) Petitions for a certificate of approval shall conform to the provisions [of] **at N.J.A.C. 14:17-4**, [and] 6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable. The following information shall also be supplied in the body of the petition or in attached exhibits:

1.-3. (No change.)

4. A copy of the application for cable television franchise[, as amended to reflect], **on the standard form supplied by the Office, pursuant to N.J.A.C. 14:18-12.2 and including** any changes in terms, conditions, facts, or circumstances resulting from negotiations or agreements with the municipality;

5.-7. (No change.)

(b) In cases where the petition involves the arbitrary refusal by a municipality to grant a municipal consent, pursuant to N.J.S.A. 48:5A-1 et seq., the petition shall, in addition to the requirements [of subsection]

**at** (a) [of this Section] **above**, to the extent applicable, also provide proof that the municipal consent is being arbitrarily withheld.

## 14:17-6.7 Petition for approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based

(a) Petitions for the approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based shall conform to the provisions [of] **at N.J.A.C. 14:17-4**, [and N.J.A.C. 14:17-]6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable, and shall, in the body thereof or attached exhibits, also provide the following information:

1.-4. (No change.)

(b)-(c) (No change.)

14:17-6.8 Petitions for approval of the transfer of certificates of approval or [system-wide] **systemwide** franchise

(a) Petitions for approval of the transfer of certificates of approval or [system-wide] **systemwide** franchise shall conform to the requirements [of] **at N.J.A.C. 14:17-4**, [and] 6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable and shall, in the body thereof[, ] or in the attached exhibits, also provide the following information:

1.-13. (No change.)

(b) Proof of service of notice of the proposed transfer to all the electric and telephone utilities serving the area, and upon all cable television companies referred to [in (a)4] **at (a)5** above shall be included with the petition.

(c)-(e) (No change.)

## 14:17-6.9 Petitions for renewal of certificate of approval

(a) Petitions for renewal of a certificate of approval shall conform to the provisions [of] **at N.J.A.C. 14:17-4**, [and] 6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable, and shall, in the body thereof[, ] or in attached exhibits, also provide the following information:

1. A copy of the original municipal consent or evidence of the original municipal consent; [and] a copy of the renewal municipal consent; **and a copy of the current certificate of approval;**

2.-6. (No change.)

(b) The petition shall also contain the information as required [by] **pursuant to** the provisions [of] **at N.J.A.C. 14:17-6.6**, Petitions for certificate of approval, and shall indicate that the petitioner has complied with N.J.A.C. 14:18-13, Renewals.

## 14:17-6.10 Petitions for the approval of the sale or lease of property

(a) Petitions for the approval of the sale, conveyance, or lease of real or personal property, or the granting of an easement, or like interest therein as required by law shall conform to the provisions [of] **at N.J.S.A. 48:5A-1 et seq.**, [and] N.J.A.C. 14:17-4, [and] 6.1, [through] **6.2, 6.3, and 6.4**, to the extent applicable, and shall, in the body thereof[, ] or in attached exhibits, also provide the following information:

1. [A] **An original and one copy** of a separate sheet or sheets designated Schedule "A" containing a description of the property. [Copies filed must be in accordance with the requirements set forth in N.J.A.C. 14:1-1.6, regarding the filing of petitions.]

i.-ii. (No change.)

2.-15. (No change.)

(b)-(f) (No change.)

14:17-6.11 [(Reserved)] **Petitions for an initial or renewal systemwide franchise**

(a) **Petitions for an initial or renewal systemwide franchise shall conform to the provisions at N.J.A.C. 14:17-4, 6.1, 6.2, 6.3, and 6.4, to the extent applicable. The following information shall also be supplied in the body of the petition or in attached exhibits:**

1. **A copy of the application for an initial or renewal systemwide franchise filed pursuant to N.J.A.C. 14:18-14.1 or 14.18, as applicable, on a standard form supplied by the Office, with information as required pursuant to N.J.A.C. 14:18-14.2;**

2. **A list of all municipalities served under the systemwide franchise;**

3. **Evidence of any existing or proposed agreement(s) between the company and the individual municipality or municipalities proposed**

to be served under an initial application, demonstrating the company's authority to utilize the public rights-of-way of the municipality for the placement of equipment or facilities to construct, upgrade, operate, or maintain a cable television or telecommunications system, including, but not limited to, any municipal consent, resolution or rights-of-way agreement issued by the municipality;

4. The location and address of the company's local office(s) or agent pursuant to N.J.S.A. 48:5A-26(d) and N.J.A.C. 14:18-5.1;

5. A copy of any and all notices or correspondence filed by the cable television operator initiating renewal proceedings, pursuant to N.J.A.C. 14:18-14.16 and 14.17; and

6. A copy of the most recent systemwide franchise approval issued by the Board.

14:17-6.12 Petitions for reconsideration of assessment

(a) Petitions for reconsideration of the assessment levied in accordance with N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions [of] at N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof[,] or the exhibits attached thereto, provide the following information:

1.-2. (No change.)

14:17-6.13 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness, or to execute mortgages

(a) Petitions for authority to issue any stocks, bonds, notes, or other evidence of indebtedness, payable in more than one year from the date thereof, and to execute mortgages shall conform to the provisions [of] at N.J.S.A. 48:5A-1 et seq., [and] N.J.A.C. 14:17-4, [and] 6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof[,] or in attached exhibits, provide the following information:

1.-5. (No change.)

6. Where one of the purposes is to reimburse the treasury for expenditures not [thereof] previously capitalized by the issuance of securities, the petitioner shall also show the exact period and amount for which reimbursement is desired, comparative financial statements [which] that shall include, at a minimum, balance sheets and utility plant by accounts as at the beginning and end of the period, as well as changes in the period (in the case of cable television plant, additions and retirements shall be stated separately for each year); a statement indicating the source and application of funds during the period; a statement indicating the manner in which the petitioner proposes to use the proceeds from the security issue; and the necessity and reasonableness of the proposed transaction;

7.-14. (No change.)

14:17-6.14 Petitions for authority to transfer capital stock

(a) Petitions for authority to transfer upon the books and records of any cable television company, pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, any share or shares of its capital stock, shall conform to the provisions [of] at N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof[,] or in attached exhibits, also provide the following information:

1.-8. (No change.)

(b) (No change.)

14:17-6.15 Petitions for permission to lend money or property

(a) Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq., shall conform to N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof[,] or in exhibits thereto, provide the following additional information:

1.-5. (No change.)

**14:17-6.16 and 6.17 (Reserved)**

14:17-6.18 Petitions for approval of a merger or consolidation

(a) Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to the provisions [of] at N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:17-4, 6.1, [through] 6.2, 6.3, 6.4, and 6.13, to the extent

applicable, and shall contain in the petition, or as attached exhibits, the following information:

1.-14. (No change.)

14:17-6.19 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents, and other writings outside the State of New Jersey, filed with the Board, as required [under] pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions [of] at N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall, in the body thereof[,] or in attached exhibits, also provide the following information:

1.-10. (No change.)

11. The name, address, telephone number, and email address of the petitioner's statutory agent.

14:17-6.20 Petitions by municipalities for permission to charge franchise fee above that prescribed [in] at N.J.S.A. 48:5A-1 et seq.

(a) Petitions by municipalities for permission to charge a franchise fee above that prescribed [in] at N.J.S.A. 48:5A-1 et seq., shall be filed in one of two forms:

1. (No change.)

2. A petition in conformity with the requirements [of] at N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, may be filed separately by a municipality.

3. (No change.)

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petition for an order setting aside municipal or county refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-[17(e)]17.e, shall conform to N.J.A.C. 14:17-4, [and N.J.A.C. 14:17-]6.1, [through] 6.2, 6.3, and 6.4, to the extent applicable, and shall include, but not be limited to, the following:

1.-4. (No change.)

(b) The petition pursuant to this section must be filed with the Office and the Secretary of the Board within 60 days of written notice of the denial to the petitioner.

(c) The Board or administrative law judge shall hold a hearing on the matter [in the community affected].

## SUBCHAPTER 7. ANSWERS AND REPLIES

14:17-7.1 Form and content

(a) Any party against whom a petition is directed and who desires to contest the same or make any representation to the Office in connection therewith shall file an answer, in writing, thereto with the [Office] Secretary of the Board.

(b) The answer shall be so drawn as to apprise the parties and the [Office] Board fully and completely of the nature of the defense and shall admit or deny specifically and in detail all material allegations of the petition.

(c) (No change.)

[d] Answers shall not be required in any rate proceeding instituted by a cable television company.]

## SUBCHAPTER 8. CONFERENCES AND SETTLEMENTS

14:17-8.3 Stipulation of conference results

(a) Upon conclusion of the pre-transmittal conference, the parties, or their attorneys, shall reduce the results thereof to the form of a written stipulation reciting the matters agreed upon, and [three copies] an original and one copy thereof shall be filed with the Board pursuant to N.J.A.C. 14:17-4 within 10 days of the date of the conference. If no stipulations are reached, the matter shall be immediately transmitted to the Office of Administrative Law.

(b)-(c) (No change.)

## SUBCHAPTER 9. CONTESTED CASE HEARINGS

## 14:17-9.1 Contested case procedures

The hearing in any matter [which] **that** is determined by the Board to be a contested case shall be conducted pursuant to the procedures in the Administrative Procedures Act, N.J.S.A. 52:14B-1 **et seq.**, and 52:14F-1 **et seq.**, the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Public Utilities Rules of Special Applicability, N.J.A.C. 1:14.

## 14:17-9.7 Motions and answers on rehearing, reopening, or reconsideration

(a)-(d) (No change.)

**(e) Appeals of the Board's rulings on a motion for rehearing, reopening, or reconsideration must be made to the Appellate Division within 45 days of the Board's Order. The Rules Governing the Courts of the State of New Jersey provide the rules and procedures for filing the appeal. Information regarding filing an appeal may be obtained from the Superior Court of the State of New Jersey.**

## SUBCHAPTER 10. UNCONTESTED CASE PROCEEDINGS

## 14:17-10.3 Filing

Pleadings, correspondence, or other documents pertaining to an uncontested case shall be filed pursuant to N.J.A.C. 14:17-4. Copies of such correspondence shall be filed with the [presiding officer] **Secretary of the Board** and with the parties of record.

## 14:17-10.4 Cameras and recording devices

Cameras or recording devices may be used at uncontested case proceedings in accordance with the standards and procedures [of] **at** N.J.A.C. 14:17-1.8.

## 14:17-10.5 Appearances

Any person appearing in a representative capacity in any uncontested case proceeding shall conform to the requirements [of] **at** N.J.A.C. 14:17-3.

## TREASURY—GENERAL

### (a)

#### DIVISION OF PENSIONS AND BENEFITS

#### STATE HEALTH BENEFITS COMMISSION

#### State Health Benefits Program

#### Proposed New Rules: N.J.A.C. 17:9

Authorized By: State Health Benefits Commission, Kelly Fields,  
Acting Secretary.

Authority: N.J.S.A. 52:14-17.25 et seq.

Calendar Reference: See Summary below for explanation of  
exception to calendar requirement.

Proposal Number: PRN 2024-046.

Submit comments by May 31, 2024, to:

Danielle Schimmel  
Assistant Director  
Division of Pensions and Benefits  
PO Box 295  
Trenton, NJ 08625-0295  
[DPB.regulations@treas.nj.gov](mailto:DPB.regulations@treas.nj.gov)

The agency proposal follows:

#### Summary

The State Health Benefits Commission (Commission) is responsible for reviewing N.J.A.C. 17:9, the administrative rules governing the State Health Benefits Program (“SHBP” or “Program”). When these rules are due to expire, or when the Commission becomes aware of a change in the laws or a court decision that impacts the SHBP, the administrative rules are examined to see if any changes are mandated. When revision is necessary, steps are taken to propose amendments or new rules that uphold the new statute or court decision. Additionally, the rules are

periodically reviewed to ascertain if they are necessary, cost efficient, and reflect current practices. As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The State Health Benefits Commission proposes to adopt the expired rules at N.J.A.C. 17:9 as new rules. The rules in this chapter expired on September 30, 2023.

N.J.A.C. 17:9 sets forth the rules of the State Health Benefits Program pursuant to N.J.S.A. 52:14-17.25.

A summary of N.J.A.C. 17:9 follows:

N.J.A.C. 17:9-1 sets forth the administrative rules that govern the State Health Benefits Program. It outlines the procedures for public employees who wish to participate or terminate participation in the Program. It also specifies the process for appeals of SHBP decisions by members. Subchapter 1 provides a detailed guideline on how State Health Benefits Commission (SHBC) meetings should be held and how the minutes of such meetings should be maintained. Additionally, it explains the certifying officer's role at participating locations, how the SHBP should handle nonpayment of charges by participating employers, and allowable employer incentives for eligible employees who choose not to enroll. The subchapter also includes definitions relevant to the SHBP to help readers better understand the Program.

N.J.A.C. 17:9-2 provides enrollment procedures for coverage in the SHBP, including who is eligible to become a subscriber or a dependent, when coverage begins, what form(s) to use, and when coverage changes must occur. It also establishes effective dates for new hires and rules for the continuation of coverage for survivors of eligible subscribers, as well as for subscribers who transfer to other employing locations. Finally, provisions regarding the annual open enrollment period, election of coverage, duplication of benefits, out-of-network coverage, and charges for SHBP members are included.

N.J.A.C. 17:9-3 provides specific definitions for the area of dependent coverage. It also includes provisions about the documentation required as certification for dependency. In addition, it establishes dependent eligibility factors for children who are over 26 with disabilities, Chapter 375 dependents, and dependents who enlist in the military. Finally, it includes provisions that prohibit multiple coverage for subscribers and their dependents.

N.J.A.C. 17:9-4 details who is eligible for coverage pursuant to the SHBP, including full- and part-time employees, ineligibility, employer designations, and multiple positions.

N.J.A.C. 17:9-5 specifies charges and interest for participating employers, including payment procedures, due dates, resolutions for participation, Medicare refunds, rejected refunds, retroactive charges, and charges for 10-month employees.

N.J.A.C. 17:9-6 defines retired employees and outlines the eligibility requirements for retired coverage. This subchapter also explains how health benefits are affected upon the suspension of a retiree's monthly retirement allowance. The subchapter also covers other important topics related to coverage in retirement, such as beneficiary, dependent and survivor coverage, eligibility for State payment in case of a disability retirement, and the Retiree Prescription Drug Plan. Terms that apply specifically to the Retiree Prescription Drug Plan are defined. Lastly, the qualifications to receive employer-paid retired SHBP benefits pursuant to P.L. 2001, c. 209, are listed.

N.J.A.C. 17:9-7 covers voluntary termination, termination of eligibility, and termination effective dates. Provisions for the continuity of coverage pursuant to Workers' Compensation, a leave of absence, the State and/or the Federal Family Leave Act, and COBRA, are found in this subchapter.

N.J.A.C. 17:9-8 covers the eligibility rules and effective dates of coverage for the Employee Prescription Drug Plan. Other topics that are set forth in this subchapter include: the issuance of prescription drug cards, coverage under other free-standing prescription drug programs, voluntary termination, and effective date of termination.

N.J.A.C. 17:9-9 outlines the details of the employee dental plan, which include identification cards, enrollment charges, orthodontic expenses, and deductibles.

N.J.A.C. 17:9-10 sets forth the procurement of the State Health Benefits Program and lists the part-time eligibility requirements,