



**STATE OF NEW JERSEY**  
Board of Public Utilities  
44 South Clinton Avenue, 9th Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF	)	RENEWAL CERTIFICATE OF
COMCAST OF AVALON, LLC FOR A RENEWAL	)	APPROVAL
CERTIFICATE OF APPROVAL TO CONTINUE TO	)	
CONSTRUCT, OPERATE AND MAINTAIN A	)	
CABLE TELEVISION SYSTEM IN AND FOR THE	)	
TOWNSHIP OF UPPER, COUNTY OF CAPE MAY,	)	
STATE OF NEW JERSEY	)	DOCKET NO. CE12080754

**Parties of Record:**

**Dennis C. Linken, Esq., Scarinci & Hollenbeck, LLC**, for the Petitioner  
**Wanda Gaglione, Clerk**, Township of Upper, New Jersey

**BY THE BOARD:**

On December 5, 1974, the Board of Public Utilities ("Board") granted Warner Cable of New Jersey ("WCNJ") a Certificate of Approval ("Certificate") in Docket No. 735C-5033 (B) for the construction, operation and maintenance of a cable television system in certain areas of the Township of Upper ("Township"). Based on a name change, WCNJ became Warner-Amex Communications, Inc. and on July 1, 1981, the Board granted Warner-Amex Communications, Inc. a Renewal Certificate in Docket No. 809C-6715. Due to a series of Board approved transfers, the Certificate was transferred to Time Warner Cable of Avalon, L.P. ("Time Warner"). On November 23, 1998, the Board issued a Renewal Certificate of Approval to Time Warner, in Docket No. CE98050327. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Avalon, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on July 1, 2011, the Petitioner is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate. It is noted that a Renewal Certificate of Approval was issued to Comcast Cablevision of South Jersey, LLC's predecessor, in Docket No. CE98060397, amended in Docket Number CE03030157, for a term of 15 years for the entirety of the Township.

The Petitioner filed an application for the renewal of its municipal consent with the Township on September 30, 2010, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. The Township, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on May 29, 2012. The Petitioner formally accepted the terms and conditions of the ordinance on June 7, 2012. On August 15, 2012, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township 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 15 years from the date of issuance of this Certificate, with an automatic renewal provision for a term of ten years thereafter in conformance with N.J.S.A. 48:5A-19 and N.J.S.A. 48:5A-25. The Board finds these franchise periods reasonable.
5. The Township has reserved the right to review the Petitioner's performance with regard to the ordinance. In the event that the Township shall find that the Petitioner has not substantially complied with the material terms and conditions of the ordinance, the Township 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 Township shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure same within 90 days of that notification.
6. The Petitioner shall provide service to any residence or business along any public right-of-way in the Primary Service Area consisting of the Strathmere area of the Township, including Whale Beach, at no cost beyond standard and non-standard installation charges. For any extension outside of the Primary Service Area, but within its service territory, the Petitioner shall utilize the line extension policy attached to the Certificate. The minimum homes per mile figure is 35.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain and file with the Board, informational schedules 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 Township. In this case, it is the Office of Cable Television. 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 at 3246 Dune Drive, Avalon, New Jersey.
10. The franchise fee to be paid to the Township is specified to be 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 Township 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 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall continue to provide one educational and governmental access channel for use by the Township for the purpose of cablecasting non-commercial educational and governmental programming. The governing body of the Township shall provide government access video programming and the governing body of the Township or its designated educational institution(s) shall provide educational access video programming.
12. The Petitioner shall provide installation and Expanded Basic cable television service, on one outlet, free of charge, to each qualified existing and future school in the Petitioner's service territory of the Township, public and private, elementary, intermediate and secondary. In order to qualify for free installation, the school must be located 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. The Petitioner shall waive monthly service charges for any such additional outlets.
13. The Petitioner shall provide installation and Expanded Basic cable television service, on one outlet, free of charge, to each qualified existing and future police, fire, emergency management facility and public library located in the Petitioner's service territory of the Township. In order to qualify for free installation, the facility must be located within 175 feet of active cable distribution plant. The Township shall pay for each additional outlet installed to any of the above facilities on a materials plus labor basis, however, the Petitioner shall waive monthly service charges for any such additional outlets.
14. The Petitioner shall provide free basic Internet service via high-speed cable modem on one non-networked personal computer in each qualified existing and future public school in the Petitioner's service territory of the Township, elementary, intermediate and secondary. To qualify for free installation, the facility must be located 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 non-networked personal computer in each qualified existing and future public library, located in the Petitioner's service territory of the Township. To qualify for free installation, the facility must be 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, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., 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, 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 of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the area designated as the Strathmere area of the Township, including Whale Beach. As noted above, a Renewal Certificate of Approval was issued to Comcast of South Jersey, LLC's predecessor for the entirety of the Township, in Docket No. CE98060397, which was amended in Docket No. CE03030157. A Renewal Certificate of Approval was approved in Docket No. CE12080755 on March 20, 2013.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, 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/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

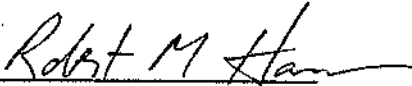
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire fifteen years from the date of issuance.


This Order shall be effective on April 1, 2013.

DATED: 3/20/13

BOARD OF PUBLIC UTILITIES  
BY:

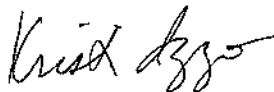
  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

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



**APPENDIX "I"**  
**Office of Cable Television**  
**Line Extension Policy**

Company      Comcast of Avalon, LLC  
Municipality    Township of Upper

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.     $\frac{\text{\# of homes in extension}}{\text{mileage of extension}} = \text{homes per mile (HPM) of extension}$
2.     $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system}^*} = \text{ratio of the density of the extension to the minimum density which the company constructs in the system ("A")}$
3.     $\text{Total cost of building the extension times "A"} = \text{company's share of extension cost}$
4.     $\text{Total cost of building extension less company's share of extension cost} = \text{total amount to be recovered from subscribers}$
5.     $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

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.

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\*        The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes which the company has historically constructed at its own cost. This is a function of the operator's breakeven 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 of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations 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.



IN THE MATTER OF THE PETITION OF COMCAST OF AVALON LLC, FOR A RENEWAL  
CERTIFICATE OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN  
A CABLE TELEVISION SYSTEM IN AND FOR THE TOWNSHIP OF UPPER, COUNTY OF  
CAPE MAY, STATE OF NEW JERSEY – Docket No. CE12080754

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