



Agenda Date: 5/31/17
Agenda Item: IIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION &
TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF SERVICE)
ELECTRIC CABLE T.V. OF HUNTERDON, INC. FOR) RENEWAL CERTIFICATE OF
THE RENEWAL OF THE CERTIFICATE OF APPROVAL) APPROVAL
FOR THE CONTINUED CONSTRUCTION, OPERATION)
AND MAINTENANCE OF A CABLE TELEVISION)
SYSTEM IN THE BOROUGH OF BLOOMSBURY,)
COUNTY OF HUNTERDON, STATE OF NEW JERSEY) DOCKET NO. CE17020165

Parties of Record:

Thomas C. Kelly, Esq., for the Petitioner

Lisa A. Burd Reindel, Borough Clerk, Borough of Bloomsbury, for the Borough

BY THE BOARD:

On December 7, 1984, the Board of Public Utilities ("Board") granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval in Docket No. 842C-7051 for the construction, operation and maintenance of a cable television system in the Borough of Bloomsbury ("Borough"). On February 28, 1996, the Board approved the transfer of the Certificate from Sammons to Service Electric Cable T.V. of Hunterdon, Inc. ("Petitioner"), in Docket No. CM95100503. On May 8, 1996, the Board granted Sammons a Renewal Certificate of Approval for the Borough, in Docket No. CE95030097, but noted that the Petitioner was the holder of the Certificate by virtue of the transfer. On May 5, 2005, the Board granted the Petitioner a Renewal Certificate of Approval for the Borough in Docket No. CE04060590. Although by its terms the Petitioner's above referenced Certificate expired on May 5, 2017, it 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 of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on July 19, 2016, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 et seq. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on December 27, 2016. On February 13, 2017, the Petitioner formally accepted the terms and conditions of the ordinance. On February 28, 2017, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough.

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, the Borough reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system will 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. The Board finds this period to be of reasonable duration.
5. 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 an informational schedule of prices, terms and conditions for unregulated service, and promptly file any revisions thereto.
6. 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. All complaints shall be received and processed in accordance with the applicable rules.
7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Local offices are currently located at: 37 Sitgreaves Street, Phillipsburg, New Jersey and 2260 Avenue A, 3rd Floor, Bethlehem, Pennsylvania.
8. The franchise fee to be paid to the Borough 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 Borough, and shall be increased as 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.
9. The Petitioner shall proffer service along any public or private right-of-way to any person's residence in the Primary Service Area of the franchise territory as described on the map submitted with the application and on file with the Office of Cable Television at no cost beyond charges for standard and non-standard installation. For any extension outside the Primary Service Area, the Petitioner shall use the line extension policy attached to this Certificate as Appendix "I" with a homes per mile figure of 35.

10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application. Specifically, the Petitioner shall provide access time on a channel to non-commercial PEG access entities, currently on Channel 253, which is shared with the leased access channel. The channel is shared with the Borough and other surrounding municipalities. The Town of Phillipsburg has access capabilities by fiber from the Petitioner's tower site to Phillipsburg Middle School.
11. The Petitioner shall provide the standard installation of one outlet, and lifeline and first tier of cable television service, free of charge, to each school, library, municipally-owned facility and firehouse located in the Borough. In order to qualify for free installation, the facility must be within 200 feet of the Petitioner's activated cable plant. Each additional outlet installation shall be paid for by the institution requesting service on a materials plus labor basis. Monthly service on such additional outlets shall be charged at regular rates as specified in the Petitioner's schedule of prices, rates, terms and conditions.
12. The Petitioner shall provide free of charge, standard business class internet service, currently 35 Mbps, to the following facilities in the Borough: Municipal offices, 91 Brunswick Avenue; Department of Public Works Garage, 100 Church Street; Elementary School, 20 Main Street; and Fire Department, 91 Brunswick Avenue. High speed internet service shall be implemented to the foregoing entities no later than 90 days from the date of this Certificate. Delays caused by weather and equipment shall extend the time for implementation. These facilities shall be eligible to receive any upgrade in internet speed as may be offered to other subscribers within the Borough during the term of this franchise.
13. At the request of the Borough, the Petitioner and Borough's designees shall meet at least semi-annually to review all matters relating to cable television in the Borough, with the minutes of such meetings to be delivered to the Petitioner and to be filed with the Borough.

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 or 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 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 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 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 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.

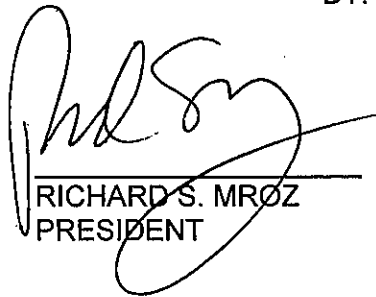
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings contained therein shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained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

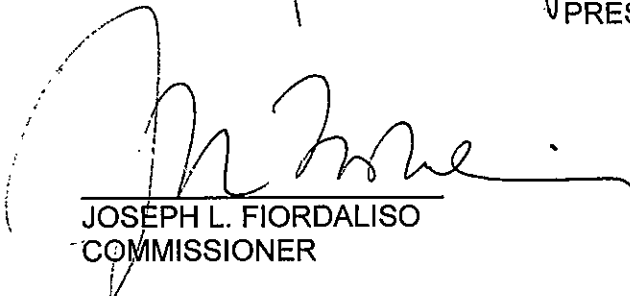
This Certificate shall expire on May 5, 2032.

This order shall be effective on June 10, 2017.

DATED: 5/31/17

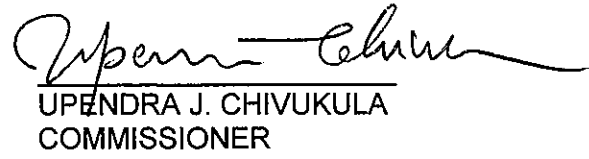
BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

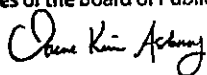

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
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**

**SERVICE ELECTRIC CABLE TV OF HUNTERDON, INC.
BOROUGH OF BLOOMSBURY**

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. # of homes in extension
mileage of extension = homes per mile (HPM) of extension
2. HPM of extension
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 recovered from subs
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.

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.

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THE BOROUGH OF BLOOMSBURY, COUNTY OF HUNTERDON, STATE OF NEW JERSEY
DOCKET NO. CE17020165

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