



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST OF AVALON, LLC FOR A)
CERTIFICATE OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A)
CABLE TELEVISION SYSTEM IN AND FOR THE)
TOWNSHIP OF MIDDLE, COUNTY OF CAPE)
MAY, STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF
APPROVAL

DOCKET NO. CE10070473

Dennis C. Linken, Esq., Scarinci & Hollenbeck, LLC, for the Petitioner
Kimberly Tomkinson, Township Clerk, Township of Middle, New Jersey, for the Township

BY THE BOARD:

On September 6, 1973, the Board of Public Utilities ("Board") granted Warner Cable of New Jersey ("WCNJ") a Certificate of Approval ("Certificate") in Docket No. 735C-5033 for the construction, operation and maintenance of a cable television system in certain areas of the Township of Middle ("Township"). Based on a name change, WCNJ became Warner-Amex Communications, and on December 18, 1980, the Board granted Warner-Amex Communications a Renewal Certificate in Docket No. 801C-6627. Due to a series of Board approved transfers, the Certificate was transferred to Time Warner Cable of New Jersey ("Time Warner"). On March 5, 1998, the Board issued a Renewal Certificate of Approval to Warner Cable Communications, Inc. ("Warner"), the petitioner, in Docket No. CE96040364, which order noted that Time Warner was responsible for any commitments made by Warner. 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 December 18, 2005, 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 also noted that a Renewal Certificate of Approval was issued to Comcast Cablevision of Wildwood, Inc. (now known as Comcast of Wildwood, LLC), in Docket No. CE02020082 for a term of ten years for the entirety of the Township.

The Petitioner filed an application for the renewal of its municipal consent with the Township on March 18, 2005, 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 3, 2010. The Petitioner formally accepted the terms and conditions of the ordinance on June 11, 2010.

On July 12, 2010, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Township. Subsequently, on July 6, 2011, the Township adopted an amendment to the ordinance to change the term of the franchise to align the expiration date of the ordinance issuing municipal consent to the Petitioner with the expiration date of the Township's ordinance issuing municipal consent to Comcast of Wildwood, LLC. The Petitioner accepted the amendment to the ordinance on September 19, 2011. Thereafter, the Petitioner amended its petition on November 28, 2011. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the amended petition, and the municipal consent ordinance and the amended 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 previously 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 fifteen years from January 1, 2010, 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 at no cost beyond standard and non-standard installation charges. For any extension outside of the Primary Service Area, the Petitioner shall utilize the line extension policy ("LEP") 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 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 4315 New Jersey Avenue, Wildwood, 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 shared educational and governmental ("EG") access channel for use by the residents of the Township for the purpose of cablecasting non-commercial educational and governmental programming and which is shared with the other municipalities in the Petitioner's system (specifically, the City of North Wildwood, the City of Wildwood, the Township of Middle, the Borough of West Wildwood, the Borough of West Cape May, the City of Cape May, the Borough of Cape May Point, the Borough of Wildwood Crest and the Township of Lower (collectively the "Municipalities"). The governing bodies of the Municipalities or a designated educational institution shall provide educational access video programming and the governing bodies of the Municipalities listed above shall provide governmental access video programming. Currently, the channel is operated by the Richard M. Teitleman School and the Cape May County Technical High School. The Municipalities shall be responsible for developing, implementing and enforcing rules for the EG channel. The Petitioner also maintains a system-wide community bulletin board.
12. The Petitioner will provide an additional public, educational and governmental access channel, upon demonstration by the Municipalities that utilization of the existing EG channel exceeds 48 hours per week of original, non-commercial, first run, locally produced, full motion video programming over a period of 18 consecutive weeks, if existing bandwidth allows for the additional channel.
13. The Petitioner shall provide installation and Expanded Service cable television service, on one outlet, free of charge, to each existing and future school in 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.
14. The Petitioner shall provide installation and Expanded Service cable television service, on one outlet, free of charge, to each existing and future police, fire, emergency management facility, community center including the Martin Luther King Center, senior center and public library located in the Township and operated by the

Township or the County of Cape May. 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.

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 school in the Township, public and private, 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.
16. 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, including the library within the Martin Luther King Center, located in the Township and operated by the Township or the County of Cape May. 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.
17. Upon reasonable written request of the Mayor, a representative of the Petitioner shall appear annually, at a public hearing, public meeting or public work session of the Governing Body, to discuss matters pertaining to the provision of cable television service to residents of the Township, and any other cable television-related issues as the Township and Petitioner may see fit to discuss. Additionally, upon reasonable notice of date and time by the Township's Cable Television Committee, a representative of the Petitioner shall meet quarterly with the Committee.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), 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 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 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 Township. As noted above, a Renewal Certificate of Approval was issued to Comcast Cablevision of Wildwood, Inc. (now known as Comcast of Wildwood, LLC), in Docket No. CE02020082 for the entirety of the Township, with a Renewal Certificate of Approval pending in Docket No. CE10070472

This 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.

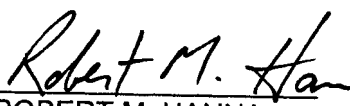
Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

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 on January 1, 2025.

DATED: 2/10/12

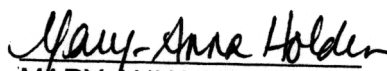
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

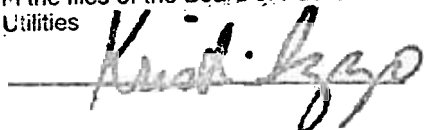

NICHOLAS ASSELTA
COMMISSIONER


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



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.

COMCAST OF AVALON, LLC.
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TOWNSHIP OF MIDDLE
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