



Agenda Date: 8/19/15
Agenda Item: 3A

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/

CABLE TELEVISION

IN THE MATTER OF THE ALLEGED FAILURE OF)
CERTAIN CABLE TELEVISION SUBSIDIARIES OR)
AFFILIATES OF COMCAST CABLE)
COMMUNICATIONS, LLC TO COMPLY WITH)
CERTAIN PROVISIONS OF THE NEW JERSEY CABLE)
TELEVISION ACT, N.J.S.A. 48:5A-1 ET SEQ., THE)
NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C.)
14:17-1.1 ET SEQ. AND N.J.A.C. 14:18-1.1 ET SEQ.,)
AND CERTAIN PROVISIONS OF BOARD ORDERS)

ORDER ACCEPTING OFFER
OF SETTLEMENT

DOCKET NO. CO15070836

Parties of Record:

Dennis Linken, Esq. Scarinci & Hollenbeck, LLC, on behalf of Comcast Cable Communications, LLC

BY THE BOARD: ¹

Comcast Cable Communications, LLC ("CCC") owns and operates certain subsidiaries or affiliates² (collectively, "Comcast") that provide cable television service in New Jersey under a municipal consent based franchise system. Comcast is authorized to provide cable television service to three hundred thirty-eight (338) municipalities in nineteen (19) counties, comprising approximately 1.1 million New Jersey customers.

The Board's Office of Cable Television Inspection and Enforcement Bureau (hereinafter the "Office") uncovered a number of alleged violations during the course of a compliance review. The Office served notice of its allegations that Comcast did not conform to certain provisions of

¹ Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

² The twenty-one (21) Comcast subsidiaries or affiliates are: Comcast of New Jersey II, LLC; Comcast of South Jersey, LLC; Comcast of the Meadowlands, LLC; Comcast of Monmouth County, LLC; Comcast of Ocean County, LLC; Comcast of Northwest New Jersey, LLC; Comcast of Central New Jersey, LLC; Comcast of Central New Jersey II, LLC; Comcast of Mercer County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Lawrence, LLC; Comcast of Jersey City, LLC; Comcast of Burlington County, LLC; Comcast of Southeast Pennsylvania, LLC; Comcast of Gloucester County, LLC; Comcast of Plainfield, LLC; Comcast of Long Beach Island, LLC; Comcast of Avalon, LLC; Comcast of New Jersey, LLC; Comcast of Garden State L.P.; and Comcast of Wildwood, LLC.

the New Jersey State Cable Television Act, N.J.S.A. 48:5A-1 et seq. and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq., as more specifically set forth in Attachment 1 (Schedule of Alleged Violations). The aforementioned statutes and regulations require that all cable systems in New Jersey operate in a manner that protects the rights of the cable consumer.

As a result of correspondence, telephone conversations and settlement conferences between Comcast and the Office, on July 16, 2015, Comcast submitted an Offer of Settlement concerning the non-conforming practices outlined on the attached schedule of the alleged violations. In the Offer of Settlement submitted by Comcast, Comcast did not admit to any violations and made a monetary offer in the amount of \$337,000.00 in order to resolve all issues concerning the violations alleged by the Office.

The Board has reviewed the matter and **HEREBY FINDS** that the Offer represents a reasonable settlement of the alleged violations. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Comcast subject to the following conditions:

1. Comcast shall tender \$337,000.00, payable to Treasurer, State of New Jersey within fifteen (15) days of receipt of the Board Order accepting this Offer of Settlement.
2. Comcast provides, on an on-going basis, proofs, in the form of a true copy of notices and verified proofs of mailing, to the Office that all required quarterly and annual notices were sent to customers on the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of the quarter or annual period for which the notice was sent in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18. This requirement is consistent with the Board's prior Orders in Docket Nos. CO03090706, CO04020083, CO05090785, CO07030212, CO07080570, CO07080571 and CO09110944.
3. Comcast shall provide verified proof, including, where appropriate, certifications of continued compliance, to the Office no later than October 19, 2015, that appropriate corrective action was implemented as of the date of its Offer of Settlement to ensure that:
 - a. Comcast provides at the time of installation, at least annually to all customers, and at any time upon request, correct written information regarding billing and complaint procedures, including the address and telephone number of the local franchise authority (LFA) cable office, as required by 47 C.F.R. §76.1602(b)6.
 - b. Comcast files a statement, within the required timeframe, as to the date on which it proposed to make the schedule of all prices, rates, terms and conditions or change effective. The date of the statement shall not be earlier than thirty (30) days after the filing unless otherwise permitted by the Office with the approval of the Board except where advance notice is sufficient as required by N.J.A.C. 14:18-3.16 and N.J.A.C. 14:17-6.16(a)4.
 - c. Comcast provides a separate cover letter for each different rate application indicating which service territory or system is to be affected by the cable television company's rate application and a copy of the letter for each copy of the application as required by N.J.A.C. 14:17-6.17(a)2.

- d. Comcast ensures all bills show a local or toll free telephone number as required by N.J.A.C. 14:18-3.7(a).
- e. Comcast provides its customers with quarterly notice of the outage credit availability within the appropriate timeframe as outlined in N.J.A.C. 14:18-3.5 and required by N.J.A.C. 14:18-3.18(b)1.
- f. Comcast provides its customers with quarterly notice of the complaint officer and the Office's toll free telephone number within the appropriate timeframe as required by N.J.S.A. 48:5A-26(c) and N.J.A.C. 14:18-3.18(b)2.
- g. Comcast subsidiaries provide its customers with quarterly notice of the availability of senior citizens/disabled discounts in systems where offered, within the appropriate timeframe, as required by N.J.A.C. 14:18-3.18(b)3 and N.J.A.C. 14:18-3.20.
- h. Comcast subsidiaries issue refund checks promptly to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the rebate, or thirty (30) days, whichever is earlier; or no later than the return of equipment supplied by the cable operator if service was terminated, pursuant to N.J.A.C. 14:18-3.25.
- i. Comcast provides notice to the Board and its customers no later than thirty (30) days prior to the closure or relocation of offices as required by N.J.A.C. 14:18-5.1(d).
- j. Comcast files with the Office its Telephone System Information report pursuant to N.J.A.C. 14:18-7.6, demonstrating compliance with the provisions of N.J.A.C. 14:18-7.8.
- k. Comcast files with the Office its periodic Telephone System Performance reports, within the appropriate timeframe, as required by N.J.A.C. 14:18-7.7(c).
- l. Comcast ensures its customers have adequate access to personnel so that customer phone calls are answered within the thirty (30) second hold time as required by 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a)2.
- m. Comcast complies with all terms and conditions of Orders and directives issued by this Board and the Director as required by N.J.S.A. 48:5A-9.

The Office will monitor Comcast or its successor's future notice and filing requirements and procedures as set forth in the State Cable Television Act and the New Jersey Administrative Code.

The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses only those specific allegations and timeframes in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting Comcast or a successor company or operator.

For purposes of assessing penalties for future offenses by Comcast, their parents, affiliates, subsidiaries and successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, such future offenses shall be considered second, third or subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

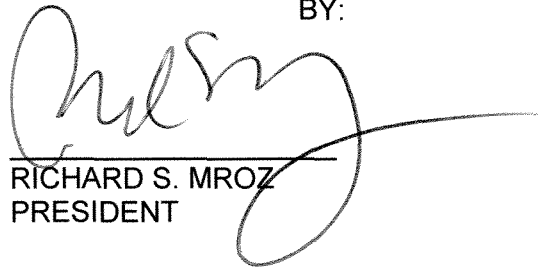
This Offer of Settlement also does not include, and shall not have an impact upon, any party's allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of Comcast, its parents, affiliates, subsidiaries, and successors, as a result of alleged Underground Facility Protection Act violations, that liability will remain subject to enforcement or other Board appropriate action.

This Offer of Settlement does not relieve Comcast, their parents, affiliates, subsidiaries and successors, from any liability for violations not specifically enumerated in Attachment 1 or those that occurred after March 31, 2015.

This Order shall be effective on August 29, 2015.

DATED: 8/19/15

BOARD OF PUBLIC UTILITIES
BY:



RICHARD S. MROZ
PRESIDENT



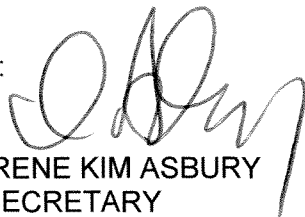
JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

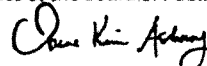


DIANNE SOLOMON
COMMISSIONER

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



**IN THE MATTER OF THE ALLEGED FAILURE OF CERTAIN CABLE TELEVISION
SUBSIDIARIES OR AFFILIATES OF COMCAST CABLE COMMUNICATIONS, LLC TO
COMPLY WITH PROVISIONS OF THE NEW JERSEY CABLE TELEVISION ACT, N.J.S.A.
48:5A-1 et seq., THE NEW JERSEY ADMINISTRATIVE CODE, N.J.A.C. 14:17-1.1 et seq.
AND N.J.A.C. 14:18-1.1 et seq., AND CERTAIN PROVISIONS OF BOARD ORDERS**

OFFER OF SETTLEMENT

DOCKET NO. CO15070836

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**ATTACHMENT 1
SCHEDULE OF ALLEGED VIOLATIONS**

OFFER OF SETTLEMENT

DOCKET NO. CO15070836

1. From January through April 2012, some or all of Comcast subsidiaries failed to provide at the time of installation, at least annually to all customers, and at any time upon request, correct written information regarding billing and complaint procedures, including the address and telephone number of the local franchise authority's (LFA) cable office, pursuant to 47 C.F.R. §76.1602(b)6.
2. In 2012 and 2014, Comcast failed to file a statement within the required timeframe as to the date on which it proposed to make the schedule of all prices, rates, terms and conditions or change effective. The date of the statement shall not be earlier than thirty (30) days after the filing unless otherwise permitted by the Office with the approval of the Board except where advance notice is sufficient under N.J.A.C. 14:18-3.16, pursuant to N.J.A.C. 14:17-6.16(a)4.
3. Comcast failed to provide a separate cover letter for each different rate application indicating which service territory or system is to be affected by the cable television company's rate application and a copy of the letter for each copy of the application submitted in 2012 as required by N.J.A.C. 14:17-6.17(a)2.
4. Some or all of Comcast subsidiaries failed to provide on all bills a local or toll free telephone number as required by N.J.A.C. 14:18-3.7(a)1 for 2012.
5. Some or all of Comcast subsidiaries failed to disclose or disclose in a timely manner to customers quarterly notice of the outage credit availability as outlined in N.J.A.C. 14:18-3.5 and required by N.J.A.C. 14:18-3.18(b)1 for the third quarter of 2013 and the fourth quarter of 2014.
6. Some or all of Comcast subsidiaries failed to disclose or disclose in a timely manner to customers quarterly notice of the complaint officer and the Office's toll free telephone number as required by N.J.S.A. 48:5A-26(c) and pursuant to N.J.A.C. 14:18-3.18(b)2 for the third quarter of 2013 and the fourth quarter of 2014.
7. Some or all of Comcast subsidiaries failed to disclose or disclose in a timely manner to customers quarterly notice of the availability of senior citizens/disabled discounts in systems where offered, pursuant to N.J.A.C. 14:18-3.20 and required by N.J.A.C. 14:18-3.18(b)3 for the third quarter of 2013 and the fourth quarter of 2014.

8. Some or all of Comcast subsidiaries failed to issue refund checks promptly in 2014 to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the rebate, or thirty (30) days whichever is earlier, or the return of equipment supplied by the cable operator if service was terminated, pursuant to N.J.A.C. 14:18-3.25(a).
9. Comcast failed to notify the Board and its customers no later than thirty (30) days prior to the closure and relocation of the West Orange Township local service center in Essex County, New Jersey as required by N.J.A.C. 14:18-5.1(d) in 2015.
10. Comcast failed to file with the Office in a timely manner annual Telephone System Information reports as required by N.J.A.C. 14:18-7.6(b) in 2013.
11. Comcast failed to file with the Office in a timely manner periodic Telephone System Performance reports as required by N.J.A.C. 14:18-7.7(c) beyond the required time for the first quarter of 2013 and fourth quarter of 2014.
12. Comcast failed to comply with the FCC Customer Service Standard requiring that a customer's wait time shall not exceed thirty (30) seconds from when the connection is made, pursuant to 47 C.F.R. §76.309(c) and N.J.A.C. 14:18-7.8(a) 2 for the first quarter of 2012 through the fourth quarter of 2013 and the third quarter of 2014 through the first quarter of 2015.
13. Comcast failed to comply with a Board Order in Docket Number CE99080531 in 2013 by not complying with the Line Extension Policy (LEP) attached to the Certificate of Approval (COA), which stipulates when a request for service is received and unless good cause is shown, cable companies shall 1) provide a written estimate within thirty (30) days of such a request; 2) begin construction within sixty (60) days of receipt of any deposit monies from potential subscribers; 3) complete construction within six (6) months of receipt of any deposit monies from potential subscribers; and 4) inform each home passed along the extension of the potential costs for subscribers, pursuant to N.J.A.C. 14:17-11.1.
14. Comcast failed to comply with the amended Board Order in Docket Number CX03080615, by failing to turn over or provide any system or company-wide record of complaints for the 2004 calendar year in a timely manner, pursuant to N.J.A.C. 14:17-11.1.
15. Comcast failed to comply with Board Orders in Docket Numbers CO03090706, CO04020083, CO05090785, CO07030212, CO07080570, CO07080571, and CO09110944 by not providing in a timely manner a true copy of the notices and verified proofs of mailing to the Office that its first through fourth quarter 2012, first through fourth quarter 2013 and first through fourth quarter 2014 quarterly notices and 2012, 2013, 2014 and at least one (1) 2015 annual notices had been sent to customers in accordance with N.J.S.A. 48:5A-26(c), N.J.A.C. 14:18-3.5 and N.J.A.C. 14:18-3.18, in the form of a true copy of the notices sent and proof of mailing the earlier of thirty (30) days of the completion of such notices or ten (10) days following the end of

the quarter or annual period for which the notice was sent, pursuant to N.J.A.C. 14:17-11.1.

16. Comcast failed to comply with a Board Order in Docket Number CO11090576 by failing to provide detailed status reports to the Office and Board in 2012 as required by the Order within ten (10) days of the date of said Order and every sixty (60) days thereafter until Comcast opened its new local offices, pursuant to N.J.A.C. 14:17-11.1.

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF CABLE TELEVISION

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Telephone: (201) 896-4100
Attorneys for Comcast Cable Communications, LLC and
the Comcast Subsidiaries

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IN THE MATTER OF THE ALLEGED)
FAILURE OF CERTAIN CABLE TELEVISION) OFFER OF SETTLEMENT
SUBSIDIARIES OR AFFILIATES OF)
COMCAST CABLE COMMUNICATIONS,)
LLC TO COMPLY WITH CERTAIN) Docket No. CO15070836
PROVISIONS OF THE NEW JERSEY CABLE)
TELEVISION ACT, N.J.S.A. 48:5A-1 ET SEQ.,)
THE NEW JERSEY ADMINISTRATIVE)
CODE, N.J.A.C. 14:17-1.1 ET SEQ. AND)
N.J.A.C. 14:18-1.1 ET SEQ., AND CERTAIN)
PROVISIONS OF BOARD ORDERS)
_____)

WHEREAS, Comcast Cable Communications, LLC (“CCC”) owns the stock or equity interests of certain subsidiaries or affiliates which own and operate cable television systems in New Jersey¹ (referred to collectively hereinafter as the “Comcast Subsidiaries”); and

WHEREAS, the Comcast Subsidiaries are subject to the jurisdiction of the Board of Public Utilities (the “Board”) and the Office of Cable Television (“OCTV”), within the Board, pursuant to the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the “Act”), and the New Jersey Administrative Code, N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1.1 et seq. (the “Regulations”); and

¹ Comcast of New Jersey II, LLC; Comcast of South Jersey, LLC; Comcast of the Meadowlands, LLC; Comcast of Monmouth County, LLC; Comcast of Ocean County, LLC; Comcast of Northwest New Jersey, LLC; Comcast of Central New Jersey, LLC; Comcast of Central New Jersey II, LLC; Comcast of Mercer County, LLC; Comcast of Hopewell Valley, Inc.; Comcast of Lawrence, LLC; Comcast of Jersey City, LLC; Comcast of Burlington County, LLC; Comcast of Southeast Pennsylvania, LLC; Comcast of Gloucester County, LLC; Comcast of Plainfield, LLC; Comcast of Long Beach Island, LLC; Comcast of Avalon, LLC; Comcast of New Jersey, LLC; Comcast of Garden State L.P.; and Comcast of Wildwood, LLC.

WHEREAS, New Jersey cable television companies are required to comply with the provisions of the Act, the Regulations and Board Orders issued thereunder; and

WHEREAS, the OCTV has conducted an investigation with regard to the Comcast Subsidiaries' compliance with the Act, the Regulations and Board Orders; and

WHEREAS, as a result of said investigation, the OCTV has alleged that some or all of the Comcast Subsidiaries have failed to comply with certain provisions of the Act, the Regulations and/or Board Orders; and

WHEREAS, the Comcast Subsidiaries wish to amicably resolve the issues raised by the OCTV without the need for time-consuming and expensive litigation;

NOW, THEREFORE, the Comcast Subsidiaries submit this Offer of Settlement, as follows:

1. The OCTV has alleged that the Comcast Subsidiaries have failed to comply with, among other things:
 - a. Requirements pertaining to schedules of all rates, terms and conditions to be filed with the Board;
 - b. Requirements pertaining to rate application filings;
 - c. Requirements pertaining to construction obligations;
 - d. Requirements pertaining to bills for service; form of bill;
 - e. Requirements pertaining to the issuance of subscriber refunds;
 - f. Requirements pertaining to customer service standards;
 - g. Requirements pertaining to Board Orders, filings, notices and reports to be submitted to the Board and notices to be sent to subscribers; and
 - h. Requirements pertaining to notice of customer service office closures or relocations.

2. The Comcast Subsidiaries will pay to the State of New Jersey the sum of Three Hundred Thirty-Seven Thousand Dollars (\$337,000.00) in full settlement with the Board and the OCTV of any violations or potential violations up to March 31, 2015, of the Act, the Regulations or Board Orders, which violations or potential violations have been or could have been alleged by the Board or the OCTV against any or all of the Comcast Subsidiaries. Upon approval by the Board of this

Offer of Settlement and payment as required hereinabove, the Board and the OCTV release CCC and the Comcast Subsidiaries, their parents, affiliates, subsidiaries and successors, from any and all liability with respect to such violations or potential violations.


3. This Offer of Settlement does not relieve CCC, the Comcast Subsidiaries, or their parents, affiliates, subsidiaries or successors, from any liability for violations of the Act, the Regulations or Board Orders that occur after March 31, 2015.
4. This Offer of Settlement also does not include, and shall not have an impact upon, allegations or claims as they apply to alleged violations of New Jersey's Underground Facility Protection Act, N.J.S.A. 48:2-73 et seq. To the extent that there is a potential for liability on the part of CCC, the Comcast Subsidiaries, their parents, affiliates, subsidiaries, or successors, as a result of a violation of the Underground Facility Protection Act, that liability will remain subject to enforcement or other appropriate Board action.
5. The execution of this Offer of Settlement shall neither be deemed an admission by CCC or the Comcast Subsidiaries of any violation of the Act, the Regulations or Board Order, nor a determination by the Board or the OCTV that such a violation has occurred, nor shall Board approval of this Offer of Settlement be deemed a determination that a violation has occurred.
6. Any future repeated violation(s) of the Act, the Regulations or Board Orders by the Comcast Subsidiaries, their parents, affiliates, subsidiaries or successors that may now or in the future operate the cable television systems that are the subject of this Offer of Settlement, shall be deemed to be a second, third or subsequent violation, as appropriate, pursuant to the provisions of N.J.S.A. 48:5A-51(b), for the purpose of determining the amount of any applicable penalty.

7. Recognizing but notwithstanding the provisions of the foregoing paragraphs, the Comcast Subsidiaries agree to take the following actions: They will endeavor, going forward, to:
- a. submit to customers and/or the Board such notifications as may be required under pertinent Board Orders or Regulations.
 - b. ensure all customers' bills for service conform to N.J.A.C. 14:18-3.7.
 - c. issue refund checks promptly to customers no later than either the customer's next billing cycle following the resolution of the issue giving cause for the refund, or thirty (30) days, whichever is earlier, or the return of equipment supplied by the cable operator if service was terminated, as required by N.J.A.C. 14:18-3.25.
 - d. achieve the Federal Communications Commission and State telephone customer service standards as set forth in 47 C.F.R. § 76.309(c) and N.J.A.C. 14:18-7.8(a) 2 and 3.
 - e. submit to the Board such reports and applicable schedules of rates, terms and conditions as are required under pertinent Regulations.
 - f. submit to the Board complete rate application filings as are required under pertinent Regulations.
 - g. comply with applicable construction requirements, to the extent circumstances within their control permit.
 - h. comply with all terms and conditions of Board Orders and directives issued by the Board and the Director as required by N.J.S.A. 48:5A-9.
8. The execution of this Offer of Settlement shall not be relied upon by CCC or the Comcast Subsidiaries, their parents, affiliates, subsidiaries or successors in an attempt to mitigate any future repeated violation of the Act, the Regulations or Board Orders.

Comcast of New Jersey II, LLC
Comcast of South Jersey, LLC
Comcast of the Meadowlands, LLC
Comcast of Monmouth County, LLC
Comcast of Ocean County, LLC
Comcast of Northwest New Jersey, LLC
Comcast of Burlington County, LLC

Comcast of Central New Jersey, LLC
Comcast of Central New Jersey II, LLC
Comcast of Southeast Pennsylvania, LLC
Comcast of Mercer County, LLC
Comcast of Hopewell Valley, Inc.
Comcast of Lawrence, LLC
Comcast of Gloucester County, LLC
Comcast of Jersey City, LLC
Comcast of Plainfield, LLC
Comcast of Long Beach Island, LLC
Comcast of Avalon, LLC
Comcast of New Jersey, LLC
Comcast of Garden State L.P.
Comcast of Wildwood, LLC

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MIDWEST

BY: 
Dennis C. Linken
Attorney for Comcast Cable Communications,
LLC and the
Comcast Subsidiaries

Dated: July 14, 2015