



Agenda Date: 12/19/17  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

OFFICE OF CABLE TELEVISION  
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF COMCAST )  
OF MONMOUTH COUNTY, LLC FOR A RENEWAL )  
CERTIFICATE OF APPROVAL TO CONTINUE TO )  
CONSTRUCT, OPERATE AND MAINTAIN A CABLE )  
TELEVISION SYSTEM IN AND FOR THE )  
BOROUGH OF TINTON FALLS, COUNTY OF )  
MONMOUTH, STATE OF NEW JERSEY )

RENEWAL CERTIFICATE OF  
APPROVAL

DOCKET NO. CE16121145

**Parties of Record:**

**Dennis C. Linken, Esq.**, Scarinci Hollenbeck, LLC, for the Petitioner  
**Maureen L. Murphy, Clerk**, Borough of Tinton Falls, New Jersey

**BY THE BOARD:**<sup>1</sup>

On March 7, 1979, the Board of Public Utilities ("Board") granted Futurevision Cable Enterprises, Inc. d/b/a Storer Cable Communications a Certificate of Approval, in Docket No. 791C-6438, for the construction, operation and maintenance of a cable television system in the Borough of Tinton Falls ("Borough"). Through a series of transfers with required Board approvals, Comcast Cablevision of Monmouth County, Inc. ("Comcast") became the holder of the Certificate. On April 10, 1996, the Board issued an Order Adopting Initial Decision Settlement and Renewal Certificate of Approval to Comcast for the Borough, in Docket No. CE94050138. Through a series of subsequent transfers, with required Board approvals, the current holder of the Certificate is Comcast of Monmouth County, LLC ("Petitioner"). On April 27, 2006, the Board issued the Petitioner a Renewal Certificate of Approval for the Borough, in Docket No. CE05121065. Although by its terms the Petitioner's above referenced Certificate expired on March 7, 2016, the Petitioner 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 May 7, 2015, 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

<sup>1</sup> Commissioner Upendra J. Chivukula did not participate.

September 6, 2016. On October 3, 2016, the Petitioner formally accepted the terms and conditions of the ordinance. On December 5, 2016, 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 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 Renewal 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, 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 periods to be reasonable.
5. The Borough may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance, and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, but only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. 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 an informational schedule of prices, terms and conditions for unregulated service and promptly file any revisions thereto.
7. 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.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local business office is located at: 403 South Street, Eatontown, New Jersey.
9. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be 3.5% of the Petitioner's gross revenues, as defined in N.J.S.A. 48:5A-3(x), derived from cable television charges or fees paid by subscribers for

its cable television service in the Borough. 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.

10. The Petitioner shall provide service to any person's residence or business located in the Primary Service Area as indicated on the map on file with the Office of Cable Television 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.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide one channel for governmental access for the use by the Borough. The Petitioner also maintains an educational access channel and a system-wide community access channel for the purpose of cablecasting non-commercial PEG access programming, in accordance with its guidelines.
12. Within six months of issuance of this Certificate, the Petitioner shall pay the Borough a one-time grant in the amount of \$30,000.00 to meet the technology and/or cable related needs of the community. Upon payment, the Petitioner shall provide the Office of Cable Television with proof of satisfaction of this obligation.
13. The Petitioner shall provide the installation to one outlet and expanded basic or similar tier of cable television service, free of charge, to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary. To qualify for free installation, the facility must be within 175 feet of the Petitioner's active cable television plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting the installation.
14. The Petitioner shall provide the installation to one outlet and expanded basic or similar tier of cable television service, free of charge, to each qualified existing and future public building in the Borough, including the municipal building, police, fire, emergency management facility and public library. To qualify for free installation, the facility must be within 175 feet of the Petitioner's active cable television plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), Petitioner has the municipal consent necessary to support the petition, that such consent and that the issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., except as modified above, 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 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 continued 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.

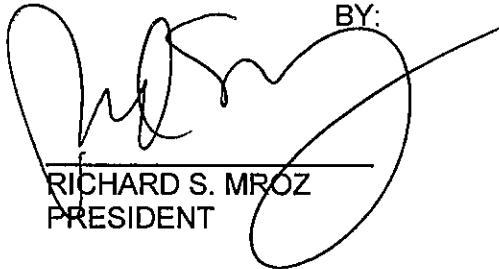
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained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

This Certificate shall expire on March 7, 2031.

This Order shall be effective on December 29, 2017.

DATED: 12/19/17

BOARD OF PUBLIC UTILITIES  
BY:



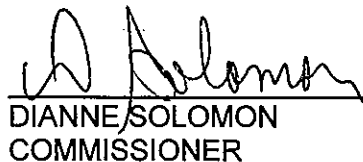
RICHARD S. MROZ  
PRESIDENT



JOSEPH L. FIORDALISO  
COMMISSIONER

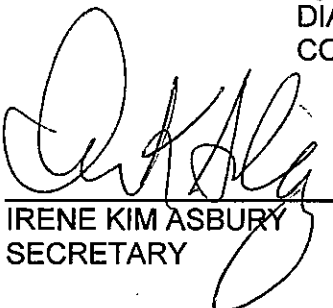


MARY-ANNA HOLDEN  
COMMISSIONER



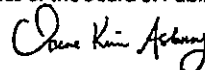
DIANNE SOLOMON  
COMMISSIONER

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



**APPENDIX "I"  
OFFICE OF CABLE TELEVISION  
LINE EXTENSION POLICY**

**COMCAST OF MONMOUTH COUNTY, LLC  
BOROUGH OF TINTON FALLS**

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.

-----  
\* 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.

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 MONMOUTH COUNTY, LLC FOR A  
RENEWAL CERTIFICATE OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE AND  
MAINTAIN A CABLE TELEVISION SYSTEM IN AND FOR THE BOROUGH OF TINTON  
FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

DOCKET NO. CE16121145

SERVICE LIST

Dennis C. Linken, Esq.  
Scarinci Hollenbeck, LLC  
Post Office Box 790  
Lyndhurst, NJ 07071-0790  
[dlinken@scarincihollenbeck.com](mailto:dlinken@scarincihollenbeck.com)

Maureen L. Murphy  
Borough Clerk  
Borough of Tinton Falls  
556 Tinton Avenue  
Tinton Falls, NJ 07724-3298  
[mmurphy@tintonfalls.com](mailto:mmurphy@tintonfalls.com)

Rob Clifton, Senior Director  
Government and Regulatory Affairs  
Comcast  
195 Leonardville Road  
Belford, NJ 07718  
[robert\\_clifton@comcast.com](mailto:robert_clifton@comcast.com)

Veronica Beke  
Deputy Attorney General  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029  
[veronica.beke@law.njoag.gov](mailto:veronica.beke@law.njoag.gov)

Lawanda R. Gilbert, Director  
Board of Public Utilities  
Office of Cable Television &  
Telecommunications  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[lawanda.gilbert@bpu.nj.gov](mailto:lawanda.gilbert@bpu.nj.gov)

Karen A. Marlowe, Administrative Analyst 4  
Board of Public Utilities  
Office of Cable Television &  
Telecommunications  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[karen.marlowe@bpu.nj.gov](mailto:karen.marlowe@bpu.nj.gov)

Carol Artale, Esq., Legal Specialist  
Board of Public Utilities  
44 South Clinton Avenue, 3rd Floor, Suite 314  
Post Office Box 350  
Trenton, NJ 08625-0350  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)