



Agenda Date: 1/31/18
Agenda Item: IIIC

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)
COMCAST OF HOPEWELL VALLEY, INC. FOR A)
RENEWAL CERTIFICATE OF APPROVAL TO)
CONTINUE TO CONSTRUCT, OPERATE AND)
MAINTAIN A CABLE TELEVISION SYSTEM IN)
AND FOR THE BOROUGH OF HOPEWELL,)
COUNTY OF MERCER, STATE OF NEW JERSEY)
AUTOMATIC RENEWAL)
CERTIFICATE OF APPROVAL)
DOCKET NO. CE15060654)

Parties of Record:

Dennis C. Linken, Esq., Scarinci Hollenbeck, LLC, for the Petitioner
Michele Hovan, Clerk, Borough of Hopewell, New Jersey

BY THE BOARD:

On February 15, 1985, the Board of Public Utilities ("Board") granted Comcast Cablevision of Hopewell Valley, Inc. ("Comcast") a Certificate of Approval in Docket No. 848C-7087 for the construction, operation and maintenance of a cable television system in the Borough of Hopewell ("Borough"). On January 10, 2002, the Board issued a Renewal Certificate of Approval to Comcast for the Borough in Docket No. CE01100669. Based on a name change, Comcast Cablevision is currently known as Comcast of Hopewell Valley, Inc. ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on February 15, 2015, 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.

On December 23, 2014, the Petitioner notified the Borough of its intention to exercise its right under the automatic renewal provision of the Borough's municipal consent and the Renewal Certificate of Approval. On June 4, 2015, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the Borough, pursuant to N.J.S.A. 48:5A-16, -19 and -25 and N.J.A.C. 14:17-6.9 and 14:18-13.6. The filing indicates that the Borough's ordinance granting municipal consent to the Petitioner provided for an initial term of 15 years with an automatic renewal term of 10 years.

The petition for Automatic Renewal is based on the Borough's September 4, 2001 adopted ordinance granting renewal municipal consent to the Petitioner. On September 18, 2001, the Petitioner accepted the ordinance which provided, in part, for an automatic renewal term of 10 years.

The Board has reviewed the petition for an Automatic Renewal Certificate of Approval and the Application filed therein by the Petitioner. Furthermore, on October 23, 2017, the Borough confirmed that the Petitioner was in compliance with its ordinance and the Certificate of Approval. 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. N.J.S.A. 48:5A-22 to 29, N.J.A.C. 14:18-13 et seq.
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 ten years pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Petitioner shall provide service to any residence or business along any public right-of-way in all areas of the franchise territory at no cost beyond standard and non-standard installation charges. In all other circumstances, the Petitioner shall utilize the line extension policy attached to the Certificate. The minimum homes per mile figure is 35.
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 and file with the Board, informational schedules 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 any applicable rules.
8. 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 located at 3371 US Route 1, Units 8 and 8A, Lawrence Township, New Jersey.¹

¹ On March 30, 2016, the Petitioner provided notice of its local office closure at 940 Prospect Street, Trenton, NJ on or about April 30, 2016 and relocation to Lawrence Township, Mercer County, NJ, consistent with N.J.A.C. 14:18-5.1(d).

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 public, educational, and governmental ("PEG") access facilities as described in the application and the ordinance. The Petitioner shall continue to provide one channel for educational and governmental ("EG") access dedicated for use by the Hopewell Valley Regional High School. The Petitioner shall maintain the cable, modulators and equipment necessary for the Hopewell Valley Regional High School to send and receive the EG access signal. The Petitioner shall not be responsible for the maintenance of any studio equipment used for the above EG access channel. Shared use of the channel shall be governed by mutual agreement among the Borough, the Borough of Pennington, the Township of Hopewell and the Hopewell Valley Regional School District. All requests to air programming by the Borough shall be forwarded to the Hopewell Valley Regional High School District which maintains the EG access channel. The Petitioner also provides a system-wide community bulletin board.
11. Upon reasonable written request of the Borough, the Petitioner shall provide training and technical support to access channel volunteers.
12. If at any time during the duration of the franchise granted herein that the Borough produces 30 hours or more per week of original, non-duplicative video programming for a period of six months, the Petitioner shall provide the Borough with its own dedicated access channel. Only programming produced by the Borough, and not programming produced by Hopewell Valley Regional School District, shall be considered in calculating whether the Borough is producing 30 hours a week of original programming.
13. The Petitioner shall provide or continue to provide the standard installation of one outlet and basic monthly cable television service, at no cost, to each classroom and instructional space in the Borough's elementary school and shall provide two drops and basic cable service, free of charge, to the municipal building and any such building as shall be constructed in the future. The Petitioner shall provide or continue to provide one drop and basic cable service, free of charge, to each fire department, first aid squad, library and public works building in the Borough or which may be constructed in the Borough.
14. The Petitioner shall provide or continue to provide free basic Internet service and standard installation via high-speed cable modem, to one non-networked personal computer in each school and library in the Borough.

15. Upon reasonable written request of the Borough, the Petitioner shall appear at least once annually at a public hearing of the governing body, or before the Borough Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and the Petitioner may see fit.

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 Automatic 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 Automatic 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.

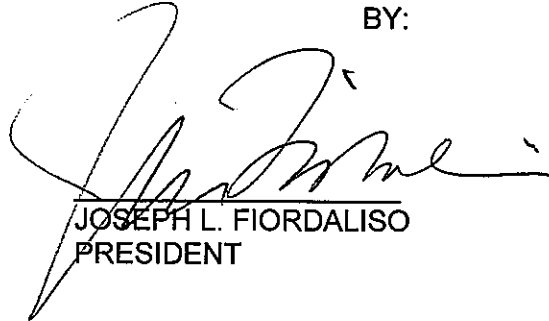
This Automatic Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and be enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the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

This Certificate shall expire February 15, 2025.


This Order shall be effective on February 10, 2018.

DATED: 1/31/18


BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



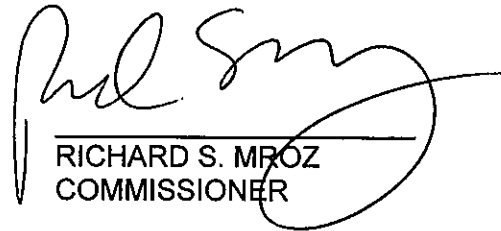
MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



RICHARD S. MROZ
COMMISSIONER

ATTEST: 
CARMEN D. DIAZ
ASSISTANT BOARD 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 Hopewell Valley, Inc.
Municipality Borough of Hopewell

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. 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. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}} = \text{each subscriber's share}$

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 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.

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COUNTY OF MERCER, STATE OF NEW JERSEY

DOCKET NO. CE15060654

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