



Agenda Date: 4/23/25

Agenda Item: IIIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF COMCAST)
OF NEW JERSEY II, LLC FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE TO)
CONSTRUCT, OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE)
BOROUGH OF ROSELAND, COUNTY OF ESSEX,)
STATE OF NEW JERSEY) DOCKET NO. CE23010051

Parties of Record:

Stan Barrett, Esq., Brach Eichler, LLC on behalf of Comcast of New Jersey II, LLC
Jock H. Watkins, Clerk, Borough of Roseland, New Jersey

BY THE BOARD:

On July 8, 1976, the New Jersey Board of Public Utilities ("Board") granted Suburban Cablevision ("Suburban") a Certificate of Approval ("Certificate"), in Docket No. 761C-6144, for the construction, operation and maintenance of a cable television system in the Borough of Roseland ("Borough"). On May 11, 1987, the Board granted Suburban an Automatic Renewal Certificate of Approval for the Borough in Docket No. CE86060645. Through a series of transfers with required Board approvals, Comcast Cablevision of New Jersey, Inc. became the holder of the Certificate. On September 25, 1996, the Board granted Comcast Cablevision of New Jersey, Inc. a Renewal Certificate of Approval ("Renewal Certificate") in Docket No. CE96070507. Based on a name change, Comcast of New Jersey II, LLC ("Petitioner") is the current holder of the Renewal Certificate. On February 10, 2012, the Board issued an Automatic Renewal Certificate to the Petitioner for the Borough, in Docket No. CE11070424. Although, by its terms, the Petitioner's above referenced Renewal Certificate expired on July 8, 2021, 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.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about October 8, 2020, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13.1 to 9. On June 21, 2022, the Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner ("Ordinance"). The Petitioner formally accepted the terms and conditions of the Ordinance on August 31, 2022. On January 26, 2023, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate for the Borough.

DISCUSSION AND FINDINGS

The Board has reviewed the application for municipal consent, the Ordinance, and the petition for a Renewal Certificate. Based upon this review and the recommendation of the Office of Cable Television and Telecommunications, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial, and technical qualifications for the awarding of a Certificate. Further, these qualifications were reviewed by the Borough 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 ten (10) years, pursuant to N.J.S.A. 48:5A-19 and 25. The Board finds this franchise period reasonable.
5. The Borough has reserved the right to review the Petitioner's performance with regard to the Ordinance. In the event that the Borough shall find that the Petitioner has not substantially complied with the material terms and conditions of the Ordinance, the Borough 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 Borough shall first have given the Petitioner written notice of all alleged instances of non-compliance and an opportunity to cure the same within ninety (90) days of that notification. If, after such reasonable notice and opportunity to cure, the Petitioner has not cured any such findings of non-compliance, the Borough may petition the Board for appropriate administrative action, including modification and/or termination of the Certificate.
6. The Petitioner shall proffer service along any public right-of-way to any person's residence or business located in all areas of the franchise territory, at no cost beyond standard and non-standard installation charges.
7. The Petitioner shall maintain an informational schedule 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 Borough. In this case, it is the Office of Cable Television and Telecommunications. All complaints shall be received and processed in accordance with any applicable rules.
9. During the term of this franchise, and any renewal thereof, the Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating, and

resolving complaints regarding the quality of service, equipment malfunctions, and similar matters. The Petitioner currently maintains a local office located at 2345 US Rt. 22, Union, New Jersey.

10. Pursuant to N.J.S.A. 48:5A-30, the franchise fee to be paid to the Borough is specified to be three-and-one-half percent (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.¹ Additional regulatory fees shall be paid to the State in an amount not to exceed two percent (2%) of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
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 continue to provide residents with one (1) system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Petitioner's published public access rules. The Petitioner shall continue to provide a dedicated local municipal access channel maintained by the Petitioner and originating from the Municipal Building. The Petitioner will continue to maintain the access channel return line located at the Municipal Building. The Petitioner also maintains a fully equipped and professionally staffed television studio in Union Township located at 800 Rahway Avenue in Union, New Jersey. Upon reasonable advance notice, the Petitioner will conduct training for potential access users and groups.
12. Within six (6) months of the effective date of this Certificate, the Petitioner shall provide to the Borough a one (1) time PEG capital grant of \$35,000 for PEG access capital support. Upon completion, the Petitioner shall submit proof to the Office of Cable Television and Telecommunications indicating its compliance with this provision.
13. Within one (1) year of written request the Petitioner shall provide an additional channel return line for the access channel at a location of the Borough's choosing provided that location is within 200 feet of active cable plant.
14. The Petitioner shall convert the Borough's current Standard Definition ("SD") access channel to a High Definition ("HD") channel within one (1) year of written request from the Borough. Once an HD access channel is activated that channel will no longer be available in SD.
15. The Petitioner shall provide courtesy cable television service on one (1) outlet at no cost to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of

¹ The Board notes that the Borough's adopted Ordinance incorrectly states that the Petitioner shall pay to the municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television service in the Borough. Pursuant to the Board's Order issued on April 28, 2010, in Docket No. CO10030192, the Petitioner is currently required to pay the Borough a franchise fee of three-and-one-half percent (3.5%), as stated above.

- 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.
16. The Petitioner shall continue to provide courtesy cable television service at no cost on one (1) outlet to each qualified existing police, fire, first aid, emergency management facility, public works, community center that may be constructed in the future, public library and any other municipally owned building in the Borough provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough. The Petitioner shall provide the above referenced services to any future municipal facility upon written request.
17. The Petitioner shall continue to provide free basic residential Internet access service, via high-speed cable modem, to one (1) non-networked personal computer in each qualified existing and future public school and public library in the Borough, elementary, intermediate and secondary, at no charge provided the facility is located within 200 feet of active cable distribution plant. The Internet access service shall be installed on a personal computer that is accessible to the students and not for administrative use only. The Petitioner shall provide the above referenced services to any future such facility upon written request.

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 to 64; 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, and 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 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 Telecommunications, 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 Telecommunications 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 and Telecommunications pursuant to the authority contained in N.J.S.A. 48:5A-1 to 64.

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This Certificate shall expire on July 8, 2031.

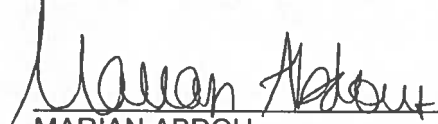
This Order shall be effective on April 30, 2025.

DATED: April 23, 2025

BOARD OF PUBLIC UTILITIES
BY:

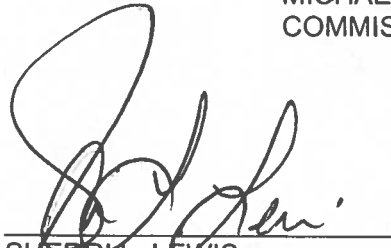

CHRISTINE GUHL-SADOVY
PRESIDENT


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER

ATTEST:


SHERRIL L. LEWIS
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.

IN THE MATTER OF THE PETITION OF COMCAST OF NEW JERSEY II, LLC FOR A RENEWAL CERTIFICATE
OF APPROVAL TO CONTINUE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN
AND FOR THE BOROUGH OF ROSELAND, COUNTY OF ESSEX, STATE OF NEW JERSEY

DOCKET NO. CE23010051

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