

SENATE, No. 192

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator JOSEPH V. DORIA, JR.

District 31 (Hudson)

Senator ANTHONY R. BUCCO

District 25 (Morris)

SYNOPSIS

Authorizes a system-wide franchise for certain providers of cable television service.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/7/2006)

1 AN ACT concerning the regulation of cable television service and
2 amending and supplementing P.L.1972, c.186 (C.48:5A-1 et
3 seq.), amending P.L.1985, c.356, P.L.1991, c.412 and P.L.2003,
4 c.38, and repealing certain sections of the statutory law.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8

9 1. Section 2 of P.L.1972, c.186 (C.48:5A-2) is amended to read
10 as follows:

11 2. The Legislature finds, determines and declares:

12 a. That, after careful investigation, it appears that the rates,
13 services and operations of cable television companies in this State
14 are affected with a public interest;

15 b. That it should be, and is hereby declared, the policy of this
16 State to provide fair regulation of cable television companies in the
17 interest of the public;

18 c. That the objects of such regulation are (1) to promote
19 adequate, economical and efficient cable television service to the
20 citizens and residents of this State, (2) to encourage the optimum
21 development of the educational and community-service potentials
22 of the cable television medium, (3) to provide just and reasonable
23 rates and charges for cable television system services without unjust
24 discrimination, undue preferences or advantages, or unfair or
25 destructive competitive practices, (4) to promote and encourage
26 harmony between cable television companies and their subscribers
27 and customers, (5) to protect the interests of the several
28 municipalities of this State in relation to the issuance of municipal
29 consents for the operation of cable television companies within
30 their several jurisdictions, and to secure a desirable degree of
31 uniformity in the practices and operations of cable television
32 companies in those several jurisdictions; and (6) to cooperate with
33 other states and with the Federal Government in promoting and
34 coordinating efforts to regulate cable television companies
35 effectively in the public interest;

36 d. That to secure such regulation and promote the objectives
37 thereof, authority to regulate cable television companies generally,
38 and their rates, services and operations, in the manner and in
39 accordance with the policies set forth in [this act] P.L.1972, c.186
40 (C.48:5A-1 et seq.) (the "act"), shall be vested in the [Department]
41 Board of Public Utilities];

42 e. That the Federal Communications Commission (the "FCC")
43 reported in its 2005 assessment of video programming competition
44 that increased competition in the multichannel video programming

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 distributor ("MVPD") market has led to improvements in cable
2 television services, including more channels of video programming
3 and increased service options for consumers, but generally not
4 lower prices;

5 f. That, as a result of ongoing technological innovations, non-
6 traditional providers of MVPD services such as local telephone
7 common carriers are offering or preparing to offer MVPD services
8 over existing telephone lines or over newly-installed high-speed
9 fiber lines to customers in their local telephone service areas, and
10 such developments have the potential for stimulating additional
11 competition in the MVPD market that should lead to further
12 improvements for MVPD customers;

13 g. That, in order to afford an equal opportunity for non-
14 traditional MVPD providers such as local telephone common
15 carriers to compete with existing providers, and to ensure that
16 customers receive the benefits of a more competitive MVPD
17 market, it is in the public interest to encourage common carriers to
18 enter the MVPD market by adapting the existing regulatory
19 framework to the changed circumstances brought about by recent
20 technological developments while allowing the State to retain its
21 necessary and appropriate regulatory oversight with regard to
22 consumer protection and customer service elements; and

23 h. That nothing in this act shall be seen to limit or otherwise
24 reduce the protection afforded to cable television customers, and it
25 is in the public interest to include additional provisions in this act to
26 ensure that customers continue to be provided a high level of
27 consumer protection and customer service in a more competitive
28 MVPD market.

29 (cf: P.L.1972, c.186, s.2)

30

31 2. Section 3 of P.L.1972, c.186 (C.48:5A-3) is amended to read
32 as follows:

33 3. As used in this act, except as the context may otherwise
34 clearly require or indicate:

35 a. "Board" means the Board of Public Utilities [of this State].

36 b. "Office" means the Office of Cable Television established by
37 [this act] the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et
38 seq.).

39 c. "Director" means the Director of the Office of Cable
40 Television.

41 d. "Cable television system" or "CATV system" means [any
42 facility within this State which is operated or intended to be
43 operated to perform the service of receiving and amplifying the
44 signals broadcast by one or more television stations and
45 redistributing such signals by wire, cable or other device or means
46 for accomplishing such redistribution, to members of the public
47 who subscribe to such service, or distributing through its facility

1 any television signals, whether broadcast or not; or any part of such
2 facility] a facility, consisting of a set of closed transmission paths
3 and associated signal generation, reception, and control equipment,
4 that is designed to provide cable television service which includes
5 video programming and which is provided to multiple subscribers
6 within a community, but such term does not include: (1) a facility
7 that serves only to retransmit the television signals of one or more
8 television broadcast stations; (2) a facility that serves subscribers
9 without using any public right-of-way; (3) a facility of a common
10 carrier which is subject, in whole or in part, to regulation by the
11 board pursuant to Title 48 of the Revised Statutes, except that such
12 facility shall be considered a CATV system to the extent such
13 facility is used in the transmission of video programming directly to
14 subscribers; (4) an open video system that has been certified by the
15 Federal Communications Commission as being in compliance with
16 the provisions of Part 76, "Multichannel Video and Cable
17 Television Service," of Title 47 of the Code of Federal Regulations;
18 (5) any facilities of any electric public utility used solely for
19 operating its electric utility systems; or (6) a facility of an electric
20 public utility which is subject, in whole or in part, to regulation by
21 the board pursuant to Title 48 of the Revised Statutes, except that
22 such facility shall be considered a CATV system to the extent that
23 such facility is used in the transmission of video programming
24 directly to the subscribers. The term "facility" as used in this
25 subsection includes all real property, antennae, poles, wires, cables,
26 conduits, amplifiers, instruments, appliances, fixtures and other
27 personal property used by a CATV company in providing service to
28 its subscribers and customers.

29 e. "Cable television reception service" means the simultaneous
30 delivery through a CATV system of the signals of television
31 broadcast stations to members of the public subscribing to such
32 service, which service may include additional nonbroadcast signals
33 delivered as a part of the service with no additional charge.

34 f. "Cable communications system" or "cable communications
35 service" means any communications service other than cable
36 television reception service delivered through the facilities of a
37 CATV system and for which charges in addition to or other than
38 those made for cable television reception service are made or
39 proposed to be made.

40 g. "Cable television company" or "CATV company" means any
41 person owning, controlling, operating or managing a cable
42 television system, and the term "person" as used herein shall be
43 construed, without limiting the generality thereof, to include
44 specifically any agency or instrumentality of this State or of any of
45 its political subdivisions, including telecommunications service
46 providers; but this definition shall not include a telephone,
47 telegraph or electric utility company regulated by the Board of

1 Public Utilities in a case where it merely leases or rents or
2 otherwise provides to a CATV company wires, conduits, cables or
3 pole space used in the redistribution of television signals to or
4 toward subscribers or customers of such CATV company.

5 h. "Highway" includes every street, road, alley, thoroughfare,
6 way or place of any kind used by the public or open to the use of
7 the public.

8 i. "Certificate" means a certificate of approval issued [, or which
9 may be issued,] by the board pursuant to [this act] P.L.1972, c.186
10 (C.48:5A-1 et seq.).

11 j. "Cable television service" includes the definitions of cable
12 television reception service and cable communications service
13 herein, as well as the provision of any other impulse or signal by a
14 cable television company or other service lawfully provided,
15 utilizing the facilities of the system.

16 k. "Basic cable service" means any service tier which includes
17 the retransmission of local television broadcast signals.

18 l. "Hearing impaired individual" means an individual who,
19 because of injury to, disease of, or defect in the inner, middle or
20 outer ear, or any combination thereof, has suffered a loss of hearing
21 acuity such that the individual cannot receive linguistic information
22 without amplification, dubbing or captions.

23 m. "In series connection" means a connection where the coaxial
24 service wire entering the residence of a subscriber connects first to
25 a television receiver or monitor, with the television receiver or
26 monitor being connected by coaxial wire to a video cassette
27 recorder or other auxiliary equipment or where the coaxial service
28 wire connects first to a video cassette recorder or auxiliary
29 equipment, with the equipment being connected to a television
30 receiver or monitor and where no external splitting device is used.

31 n. "Municipality" means one municipality acting singularly or
32 two or more municipalities acting jointly in the granting of
33 municipal consent for the provision of cable television service in
34 accordance with the provisions of the "Cable Television Act,"
35 P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented.

36 o. "Open video system" means a facility consisting of a set of
37 transmission paths and associated signal generation, reception, and
38 control equipment that is designed to provide cable television
39 service to multiple subscribers within a municipality and which has
40 been certified by the Federal Communications Commission as being
41 in compliance with Part 76 "Multichannel Video and Cable
42 Television Service" of Title 47 of the Code of Federal Regulations.

43 p. "Private aggregator" means a duly-organized business or non-
44 profit organization authorized to do business in this State that enters
45 into a contract with two or more municipalities for the purpose of
46 facilitating the joint action of those municipalities in granting
47 municipal consent for the provision of cable television service to

1 those municipalities.

2 q. "Franchise" means an initial authorization, or renewal thereof,
3 issued by a franchising authority in accordance with the provisions
4 of P.L.1972, c.186 (C.48:5A-1 et seq.), whether such authorization
5 is designated as a franchise, permit, license, resolution, contract,
6 certificate, agreement or otherwise, which authorizes the
7 construction or operation of a cable television system.

8 r. "System-wide franchise" means a franchise issued pursuant to
9 P.L.1972, c.186 (C.48:5A-1 et seq.) which authorizes a cable
10 television company to construct or operate a cable television system
11 in any location within the State of New Jersey in which the
12 company, at the time of the issuance of the system-wide franchise,
13 either has plant or equipment in use for the provision of any
14 consumer video, cable or telecommunications service, including
15 telephone service, or has proposed to place such plant or equipment
16 into use to provide such service in accordance with a schedule of
17 construction of the necessary plant, as approved by the board in
18 conjunction with the issuance of the system-wide franchise.

19 s. "Local franchising authority" or "franchising authority" means
20 a governmental entity empowered by federal, State, or local law to
21 grant a franchise.

22 t. "Telecommunications service provider" or
23 "telecommunications provider" means any owner of facilities and
24 equipment located in public rights-of-way used to provide
25 telecommunications services, except that such term does not include
26 aggregators of telecommunications services.

27 u. "Telecommunications service" means the offering of
28 telecommunications for a fee directly to the public, or to such
29 classes of users as to be effectively available directly to the public,
30 regardless of the facilities used.

31 v. "Video reception service" means the simultaneous delivery by
32 any means, equipment or facilities, of the signals of television
33 broadcast stations to members of the public subscribing to such
34 service for a fee or other consideration, which service may include
35 additional non-broadcast signals delivered as part of the service.

36 (cf: P.L.2003, c.38, s.3)

37

38 3. Section 4 of P.L.1972, c.186 (C.48:5A-4) is amended to read
39 as follows:

40 4. There is hereby established in the [Department] Board of
41 Public Utilities an Office of Cable Television; but nothing in [this
42 act] P.L.1972, c.186 (C.48:5A-1 et seq.) shall be construed as
43 declaring or defining cable television to be a public utility or
44 subjecting it to the application of any of the provisions of Title 48
45 of the Revised Statutes, except as otherwise specifically provided in
46 [this act] P.L.1972, c.186 (C.48:5A-1 et seq.).

1 (cf: P.L.1972, c.186, s.4)

2

3 4. Section 5 of P.L.1972, c.186 (C.48:5A-5) is amended to read
4 as follows:

5 5. The office shall be headed and administered by a director,
6 who shall be a person qualified by training and experience to
7 perform the duties of [his] the office, and shall receive such salary
8 as shall be [provided by law] determined by the President of the
9 Board. The director shall be appointed by the [board] President of
10 the Board, and shall serve at the pleasure of the [board] President of
11 the Board.

12 (cf: P.L.1972, c.186, s.5)

13

14 5. Section 6 of P.L.1972, c.186 (C.48:5A-6) is amended to read
15 as follows:

16 6. The director under the supervision of the [board] the
17 President of the Board shall organize the work of the office and
18 establish therein such administrative subdivisions as [he] may
19 [deem] be deemed necessary, proper and expedient. [He] The
20 director may formulate [and adopt] rules and regulations for the
21 board's consideration and prescribe duties for the efficient conduct
22 of the business, work and general administration of the office. [He]
23 The director may delegate to subordinate officers or employees in
24 the office such [of his] powers as [he] may [deem] be deemed
25 desirable, to be exercised under [his] the supervision and direction
26 of the director.

27 (cf: P.L.1972, c.186, s.6)

28

29 6. Section 7 of P.L.1972, c.186 (C.48:5A-7) is amended to read
30 as follows:

31 7. Subject to the provisions of Title [11] 11A of the [Revised]
32 New Jersey Statutes, and within the limits of funds appropriated or
33 otherwise made available, the director with the approval of the
34 [board] President of the Board may appoint such officers and
35 employees of the office as [he] may [deem] be deemed necessary
36 for the performance of its duties, and may fix and determine their
37 qualifications, duties and compensation, and may retain or employ
38 engineers and private consultants on a contract basis or otherwise
39 for rendering professional or technical service or assistance.

40 (cf: P.L.1972, c.186, s.7)

41

42 7. Section 9 of P.L.1972, c.186 (C.48:5A-9) is amended to read
43 as follows:

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- 1 9. The board, which is empowered pursuant to P.L.1972, c.186
- 2 (C.48:5A-1 et seq.) to be the local franchising authority in this
- 3 State, and the director under the supervision of the board, shall have
- 4 full right, power, authority and jurisdiction to:
- 5 a. Receive or initiate complaints of the alleged violation of any

1 of the provisions of [this act] P.L.1972, c.186 (C.48:5A-1 et seq.) or
2 of any of the rules and regulations made pursuant to [this act]
3 P.L.1972, c.186 (C.48:5A-1 et seq.) or of the terms and conditions
4 of any municipal consent or franchise granted pursuant to [this act]
5 P.L.1972, c.186 (C.48:5A-1 et seq.); and for this purpose and all
6 other purposes necessary to enable [him] the director to administer
7 the duties of the office as prescribed by law may hold hearings and
8 shall have power to subpoena witnesses and compel their attendance,
9 administer oaths and require the production for examination of any
10 books or papers relating to any matter under investigation at any
11 such hearing;

12 b. Supervise and regulate every CATV company operating
13 within this State and its property, property rights, equipment,
14 facilities, contracts, certificates and franchises so far as may be
15 necessary to carry out the purposes of [this act] P.L.1972, c.186
16 (C.48:5A-1 et seq.), and to do all things, whether herein specifically
17 designated or in addition thereto, which are necessary or convenient
18 in the exercise of such power and jurisdiction;

19 c. Institute all proceedings and investigations, hear all
20 complaints, issue all process and orders, and render all decisions
21 necessary to enforce the provisions of [this act] P.L.1972, c.186
22 (C.48:5A-1 et seq.), of the rules and regulations adopted thereunder,
23 or of any municipal consents issued pursuant to [this act] P.L.1972,
24 c.186 (C.48:5A-1 et seq.);

25 d. Institute, or intervene as a party in, any action in any court of
26 competent jurisdiction seeking mandamus, injunctive or other relief
27 to compel compliance with any provision of [this act] P.L.1972,
28 c.186 (C.48:5A-1 et seq.), of any rule, regulation or order adopted
29 thereunder or of any municipal consent or franchise issued
30 thereunder, or to restrain or otherwise prevent or prohibit any illegal
31 or unauthorized conduct in connection therewith.

32 (cf: P.L.1972, c.186, s.9)

33

34 8. Section 10 of P.L.1972, c.186 (C.48:5A-10) is amended to
35 read as follows:

36 10. The director with the approval of the board shall establish,
37 for the purpose of assuring safe, adequate and proper cable
38 television service, [after hearing in accordance with the
39 Administrative Procedure Act (P.L.1968, c.410; C.52:14B-1 et
40 seq.),] rules and regulations governing:

41 a. Technical standards of performance for CATV systems and
42 the equipment and facilities thereof, including standards of
43 maintenance and safety, not inconsistent with applicable Federal
44 regulations[.];

- 1 b. The prohibition and prevention of the imposition of any
2 unjust or unreasonable, unjustly discriminatory or unduly
3 preferential individual or joint rate, charge or schedule for any
4 service supplied or rendered by a CATV company within this State,
5 or the adoption or imposition of any unjust or unreasonable
6 classification in the making or as the basis of any individual or joint
7 rate, charge or schedule for any service rendered by a CATV
8 company within this State[.];
- 9 c. Requirements for the reasonably prompt and complete
10 exercise of the rights conferred by any certificate, subject to
11 revocation thereof or other penalty provided under [this act]
12 P.L.1972, c.186 (C.48:5A-1 et seq.);
- 13 d. Procedures and forms for the application by a CATV
14 company for municipal consents or for a franchise required under
15 [this act] P.L.1972, c.186 (C.48:5A-1 et seq.);
- 16 e. Procedures and forms for review by the director of municipal
17 consents issued pursuant to the provisions of [this act] P.L.1972,
18 c.186 (C.48:5A-1 et seq.);
- 19 f. Procedures and forms for the application by CATV companies
20 to municipalities for amendment of rates or other terms and
21 conditions of municipal consents or franchises and, for the review
22 by the director of the terms of such amendments, and for the
23 resolution by the director of disputes between municipalities and
24 CATV companies over such applications;
- 25 g. Procedures and forms for submission to and resolution by the
26 director of complaints or disputes by or between CATV companies,
27 municipalities or citizens regarding proper compliance with the
28 implementation of the provisions of [this act] P.L.1972, c.186
29 (C.48:5A-1 et seq.) or the rules and regulations made or municipal
30 consents or franchises issued pursuant to [this act] P.L.1972, c.186
31 (C.48:5A-1 et seq.); provided, however, that, notwithstanding the
32 foregoing provisions of this section or any of the provisions of [this
33 act] P.L.1972, c.186 (C.48:5A-1 et seq.), it is the intent of [this act]
34 P.L.1972, c.186 (C.48:5A-1 et seq.) that all the provisions,
35 regulations and requirements imposed by or pursuant to [this act]
36 P.L.1972, c.186 (C.48:5A-1 et seq.) shall be operative only to the
37 extent that the same are not in conflict with the laws of the United
38 States or with any rules, regulations or orders adopted, issued or
39 promulgated pursuant thereto by any Federal regulatory body
40 having jurisdiction. No requirement, regulation, term, condition,
41 limitation or provision imposed by or pursuant to [this act]
42 P.L.1972, c.186 (C.48:5A-1 et seq.) which is contrary to or
43 inconsistent with any such Federal law, regulation or order now or
44 hereafter adopted shall be enforced by the director or shall be

1 authority for the granting, denial, amendment or limitation of any
2 municipal consent or certificate of approval which may be applied
3 for or issued under the terms of [this act] P.L.1972, c.186 (C.48:5A-
4 1 et seq.).

5 The board through the office is hereby empowered and directed
6 to cooperate with any Federal regulatory agency in the enforcement
7 within this State of all Federal laws, rules, regulations and orders
8 relating to CATV systems and CATV companies, and therein to act
9 as agent for such Federal regulatory body to the extent authorized
10 by or pursuant to Federal law, and to enter into agreements for said
11 purpose.

12 (cf: P.L.1972, c.186, s.10)

13

14 9. Section 11 of P.L.1972, c.186 (C.48:5A-11) is amended to
15 read as follows:

16 11. a. Except as provided in subsection g. of section 28 of [this
17 act] P.L.1972, c.186 (C.48:5A-28) with respect to rates to
18 subscribers to cable television reception service, the board through
19 the office shall prescribe just and reasonable rates, charges and
20 classifications for the services rendered by a CATV company, and
21 the tariffs therefor shall be filed and published in such manner and
22 on such notice as the director with the approval of the board may
23 prescribe, and shall be subject to change on such notice and in such
24 manner as the director with the approval of the board may
25 prescribe.

26 b. The board shall from time to time cause the established rates
27 and rate schedules of each CATV company for cable TV reception
28 service to be reviewed, and if upon such review it shall appear to
29 the board that such rates, or any of them, are or may be excessive,
30 unreasonable, unjustly discriminatory or unduly preferential, the
31 board shall require the CATV company to establish to its
32 satisfaction that such rates are just, reasonable and not excessive or
33 unjustly preferential or discriminatory, and for such purpose shall
34 order the director to hold a hearing thereon. After a hearing upon
35 notice and full opportunity to be heard afforded to the CATV
36 company, the director may recommend amendment of the schedule
37 of cable television subscription rates charged by such company, and
38 such amended schedule if approved by the board shall supersede
39 and replace the schedule so amended.

40 c. Any hearing held pursuant to this section shall be open to the
41 public, and notice thereof shall be published by the [director] cable
42 television company at least 10 days prior thereto in a newspaper or
43 newspapers of general circulation [in each municipality comprised,
44 in whole or part,] in the certificated area wherein the rate schedule
45 which is the subject of the hearing applies. [Every municipality

1 may intervene in any hearing held by the director pursuant to this
2 section affecting the municipality or the public within the
3 municipality.]

4 d. No CATV company shall derive from the operations of cable
5 television reception service or cable communications systems any
6 revenues other than the fees, charges, rates and tariffs provided for
7 in subsection a. of this section and in subsection g. of section 28 of
8 [this act] P.L.1972, c.186 (C.48:5A-28).

9 e. Whenever pursuant to the provisions of [this act] P.L.1972,
10 c.186 (C.48:5A-1 et seq.) the board or the director is required to
11 determine whether any of the rates, charges, fees, tariffs and
12 classifications of a CATV company subject to this section or to
13 subsection g. of section 28 of [this act] P.L.1972, c.186 (C.48:5A-
14 28) are unjust, unreasonable, discriminatory or unduly preferential,
15 there shall be taken into consideration any fees which are charged
16 for the use of a CATV system, or part thereof, as an advertising
17 medium, or for services ancillary to such use, and from which the
18 CATV system derives revenue, directly or indirectly, and the effect
19 thereof upon, the company's requirements for revenue from such
20 fees, rates, charges, tariffs and classifications subject to the
21 provisions of this section.
22 (cf: P.L.1972, c.186, s.11)

23
24 10. Section 2 of P.L.1985, c.356 (C.48:5A-11.2) is amended to
25 read as follows:

26 2. Notwithstanding the provisions of P.L.1972, c.186 (C.48:5A-
27 1 et seq.) or of any other State law to the contrary, any CATV
28 company providing service may establish rates or schedules which
29 provide for a reduction or discount in rates for cable television
30 reception service for senior citizens [and], disabled citizens, or
31 other economically disadvantaged groups who meet the eligibility
32 requirements of either the "Pharmaceutical Assistance to the Aged
33 and Disabled" program pursuant to P.L.1975, c.94 (C.30:4D-20 et
34 seq.) as amended and supplemented; or are receiving or are eligible
35 to receive benefits under the Supplemental Security Income
36 program, P.L.1973, c.256 (C.44:7-85 et seq.); or are receiving
37 disability insurance benefits under Title II of the federal Social
38 Security Act, 42 U.S.C. s.401 et seq. and meet the income and
39 residency requirements of the "Pharmaceutical Assistance to the
40 Aged and Disabled Program," established pursuant to P.L.1975,
41 c.194 (C.30:4D-20 et seq.).

42 The Board of Public Utilities through the Office of Cable
43 Television shall adopt regulations for the prompt, fair and efficient
44 establishment and maintenance of these reduced or discounted rates
45 and schedules. Subscription to the "Tenants' Lifeline Assistance
46 Program," established pursuant to P.L.1981, c.210 (C.48:2-29.30 et

1 seq.), or to the "Lifeline Credit Program," established pursuant to
2 P.L.1979, c.197 (C.48:2-29.15 et seq.), shall not be a basis for
3 exclusion from any reduction or discount provided under this
4 section, nor shall subscription to any cable television service from
5 such provider be a basis for exclusion from the Tenants' Lifeline
6 Assistance Program or the Lifeline Credit Program.

7 "Senior citizen" means any person 62 years of age or older who
8 subscribes for CATV service and who does not share the
9 subscription with more than one other person in the same dwelling
10 unit who is less than 62 years of age.

11 (cf: P.L.1988, c.81, s.2)

12

13 11. Section 3 of P.L.1985, c.356 (C.48:5A-11.3) is amended to
14 read as follows:

15 3. [A municipality shall not require] A cable television company
16 shall not be required, as part of any franchising agreement, or
17 renewal thereof, or as part of any negotiations leading up to a
18 franchising agreement, or renewal thereof, [that a CATV company]
19 to provide the reduction or discount in rates which is permitted
20 under section 2 of [this act] P.L.1985, c.356 (C.48:5A-11.2).

21 (cf: P.L.1985, c.356, s.3)

22

23 12. Section 15 of P.L.1972, c.186 (C.48:5A-15) is amended to
24 read as follows:

25 15. No person shall hereafter begin the construction[,] or
26 extension of a CATV system, or begin or continue the operation of
27 a CATV system, or acquire ownership or control thereof, without
28 first obtaining from the board a certificate of approval or franchise
29 issued in accordance with the provisions and procedures specified
30 in [this act] P.L.1972, c.186 (C.48:5A-1 et seq.); except that the
31 director may, by order, rule or regulation, exempt a CATV company
32 from the above [certificate] requirement in a case [where its] in
33 which the company's temporary acts or operations do not require
34 the issuance of a certificate or franchise in the public interest. The
35 issuance of a certificate by the board to a cable service company
36 shall be deemed to confer a franchise upon the cable television
37 company.

38 (cf: P.L.1972, c.186, s.15)

39

40 13. Section 16 of P.L.1972, c.186 (C.48:5A-16) is amended to
41 read as follows:

42 16. a. The application for [such] a [certificate of approval]
43 system-wide franchise from the board shall be in writing, [shall
44 have attached thereto the municipal consents required under section
45 22 of this act, except that a CATV company which is authorized

1 under section 25 of this act to continue operations after the
2 expiration of a municipal consent and pending municipal action
3 upon application made for renewal or reissuance of such consent
4 may in lieu of such municipal consent attach to its application a
5 statement regarding its authorization to continue operations under
6 the provisions of section 25;] and shall contain such [other]
7 information as the director may from time to time prescribe by duly
8 promulgated rule, regulation or order. Each such application shall
9 be accompanied by a filing fee of [\$100.00] \$1,000.

10 b. Upon receipt of such application, the board shall review the
11 same and shall, within [30] 45 days of the receipt thereof, [either
12 issue the certificate applied for or order the director to schedule a
13 hearing upon the application] schedule two public hearings to be
14 held in different geographical areas of the State during the 45-day
15 review period to consider the application submitted pursuant to
16 subsection a. of this section for a system-wide franchise. Upon the
17 expiration of the 45-day period, the board shall issue an order in
18 writing approving the application if the applicant has complied with
19 the requirements for a system-wide franchise, or the board shall
20 disapprove the application in writing citing the reasons for
21 disapproval if the board determines that the application for a
22 system-wide franchise is deficient. No application shall be denied
23 without a hearing thereon. In determining whether a [certificate]
24 system-wide franchise should [issue] be issued, the board shall
25 consider, in addition to the requirements of section 17 of P.L.1972,
26 c.186 (C.48:5A-17), among other things, public convenience and
27 necessity, the suitability and character of the applicant, the financial
28 responsibility of the applicant, and the ability of the applicant to
29 perform efficiently the proposed service and other service which
30 may be required by public convenience and necessity during the
31 term of the [municipal consent] system-wide franchise. Upon
32 receipt of a complaint from any person claiming to be aggrieved by
33 the issuance of a [certificate] system-wide franchise applied for, the
34 board shall not issue such [certificate] system-wide franchise
35 without a hearing thereon, if it deems that there is a reasonable
36 ground for such complaint, provided that such a hearing shall be
37 held within the 45-day review period required by this subsection.

38 c. [If in its initial review of the application it shall appear to the
39 board that any of the rates in the schedule of rates provided therein
40 pursuant to subsection g. of section 28 of this act are or may be
41 excessive, unreasonable, unjustly discriminatory or unduly
42 preferential, it shall not issue a certificate without a hearing on such
43 application, to be held by the director at the order of the board at
44 which hearing the applicant CATV company may be required to

1 establish to his satisfaction that such rates are just, reasonable and
2 not excessive or unjustly preferential or discriminatory. After a
3 hearing at which such justification of rates is required, upon notice
4 and full opportunity to be heard afforded to the applicant CATV
5 company, the director may, recommended that the schedule of rates
6 aforesaid be amended and such amended schedule if approved by
7 the board shall supersede and replace the schedule so amended.]
8 (Deleted by amendment, P.L. , c.) (pending before the
9 Legislature as this bill)

10 d. [A hearing held pursuant to this section shall be held not later
11 than the sixtieth day following the date of receipt of the
12 application; it may be adjourned from time to time, but not to a
13 date later than the sixtieth day following the date on which it
14 commenced, except with the consent of the applicant. If such
15 hearing is held, the director shall within 60 days after the
16 conclusion thereof, transmit his findings of fact and
17 recommendations to the board, which shall either issue or deny the
18 certificate for which application was made, or may issue a
19 certificate with such limitations and conditions as the public interest
20 may require. The board shall transmit notice of its decision to the
21 applicant.] (Deleted by amendment, P.L. , c.) (pending before
22 the Legislature as this bill)
23 (cf: P.L.1972, c.186, s.16)
24

25 14. Section 17 of P.L.1972, c.186 (C.48:5A-17) is amended to
26 read as follows:

27 17. a. The board shall issue a [certificate of approval] system-
28 wide franchise when, after reviewing the application, and after
29 [hearing if one is held] the hearings have been held pursuant to
30 section 16 of P.L.1972, c.186 (C.48:5A-16), the applicant
31 establishes to [its] the board's satisfaction that the applicant [has all
32 the municipal consents necessary to support the application, that
33 such consents and the issuance thereof are in conformity with the
34 requirements of this act, and that the applicant] has complied or is
35 ready, willing and able to comply with all applicable rules and
36 regulations imposed by or pursuant to State or federal law as
37 preconditions for engaging in [his] the applicant's proposed CATV
38 operations[; provided, that in the case of any application which has
39 omitted the attachment of municipal consent in the circumstance
40 provided for in subsection a. of section 16 of this act, the board
41 shall condition the issuance of the certificate upon the applicant's
42 reasonably prompt attainment of the omitted municipal consent or
43 reasonably prompt initiation of proceedings under subsection d. of
44 this section].

1 b. [In considering any such application, the board shall take into
2 consideration the probable effects upon both the area for which
3 certification is sought and neighboring areas not covered in the
4 municipal consents; and if it finds that the probable effects, for
5 technical and financial reasons, would be to impede the
6 development of adequate cable television service, or create an
7 unreasonable duplication of services likely to be detrimental to the
8 development of adequate cable television service in any area either
9 within or without the area for which certification is sought, it may
10 deny the certificate or it may amend the certificate in issuing it so as
11 to:

12 (1) Direct that areas covered in the application be excluded from
13 the area certified; or

14 (2) Direct that areas not covered in the application be included
15 in the area certified.] (Deleted by amendment, P.L. , c.)
16 (pending before the Legislature as this bill)

17 c. [No such certificate amended pursuant to subsection b. of this
18 section shall be issued except after hearing of which each affected
19 municipality shall be given notice and afforded opportunity to be
20 heard. No such amended certificate shall be issued which would
21 impair the terms of any existing certificate or of any municipal
22 consent upon which such existing certificate is based, except with
23 the consent of the holder of such existing certificate and of any
24 municipality having issued such municipal consent.] (Deleted by
25 amendment, P.L. , c.) (pending before the Legislature as this
26 bill)

27 d. [If a municipality shall arbitrarily refuse to grant the
28 municipal consent required under the terms of this act prerequisite
29 to issuance of a certificate, or to act upon an application for such
30 municipal consent within 90 days after such application is filed,
31 then the applicant CATV company may avoid the necessity of first
32 obtaining such municipal consent by showing to the satisfaction of
33 the board that the municipal consent is being arbitrarily withheld.
34 But any CATV company certificated without municipal consent
35 shall nevertheless pay the franchise tax to the municipality imposed
36 under section 30 of this act. An application for certificate filed
37 pursuant to this subsection shall be accompanied by a filing fee of
38 \$200.00.] (Deleted by amendment, P.L. , c.) (pending before the
39 Legislature as this bill)

40 e. [If any municipality or county shall refuse to any CATV
41 company, whether the holder of a municipal consent from that
42 municipality or otherwise, any zoning variance or other municipal
43 act or authorization, or any county act or authorization, necessary to
44 permit such company to locate any facility of such company within
45 such municipality or county, or to install transmission facilities

1 through such municipality or county for the purpose of serving
2 subscribers or customers in any area for which such company has
3 been issued a certificate by the board, the company may apply to
4 the board for an order setting aside such municipal or county refusal
5 and permitting such location of facility or installation of
6 transmission facilities as requested by the company. An application
7 pursuant to this subsection shall be accompanied by a filing fee of
8 \$200.00. The board, after hearing upon notice and full opportunity
9 for both the applicant and the municipality or county to be heard,
10 shall issue such order when it appears to the board's satisfaction that
11 such permission is necessary to enable the company to provide safe,
12 adequate and proper CATV service to its customers or subscribers
13 in the manner required by this act, and that such location or
14 installation will not adversely affect the public health, safety and
15 welfare.] (Deleted by amendment, P.L. , c.) (pending before the
16 Legislature as this bill)

17 f. [The director shall issue a certificate to any CATV company
18 lawfully engaged in the construction, extension or operation of a
19 CATV system on the effective date of this act, for the construction,
20 extension or operation then being conducted, without further
21 review, if application for such certificate is filed with the board
22 within 90 days after such effective date. The construction,
23 extension or operation of such a CATV system may be lawfully
24 continued pending the filing of such an application unless the
25 director orders otherwise. An application for such certificate which
26 is untimely shall be determined in accordance with the procedures
27 prescribed in subsections a. through d. of this section. A certificate
28 issued under this subsection shall expire five years from the date of
29 issuance; and no CATV company holding such certificate shall be
30 authorized to continue its operations after such expiration unless
31 prior thereto it shall have obtained a certificate under the
32 procedures specified in subsections a. through d. of this section,
33 except that such a CATV company which has initiated proceedings
34 for certification under subsections a. through d. of this section prior
35 to the expiration of a certificate granted under this subsection may
36 continue its operations pending the final disposition of such
37 proceedings. An application pursuant to this subsection shall be
38 accompanied by a filing fee of \$50.00.] (Deleted by amendment,
39 P.L. , c.) (pending before the Legislature as this bill)
40 (cf: P.L.1986, c.163, s.1)

41
42 15. Section 18 of P.L.1972, c.186 (C.48:5A-18) is amended as
43 follows:

44 18. a. Any hearing held pursuant to the provisions of section 16
45 or section 17 of [this act] P.L.1972. c.186 (C.48:5A-16; C.48:5A-
46 17) shall be open to the public, and notice thereof shall be published

1 by the [director] applicant at least 10 days prior thereto in a
2 newspaper or newspapers of general circulation throughout the
3 State [(1) if the hearing is upon application for certification, in each
4 municipality comprised, in whole or part, in the area for which
5 certification is sought, or (2) if the hearing is upon an application
6 under subsection e. of section 17, in each municipality comprised in
7 whole or part, in the certificated area or area for which certification
8 is sought, of the CATV system of the applicant CATV company,
9 and also each other municipality whose refusal of municipal action
10 or authorization is involved in the application].

11 b. Every municipality may intervene in any hearing or
12 investigation held under the authority of [this act] P.L.1972, c.186
13 (C.48:5A-1 et seq.) which involves rates, charges, services or
14 facilities affecting the municipality or the public within the
15 municipality.

16 c. For the purpose of defraying the administrative expenses of
17 hearings held pursuant to section 16 or 17 of [this act] P.L.1972,
18 c.186 (C.48:5A-16; C.48:5A-17), the applicant CATV company
19 shall be required to pay to the Office of Cable Television a fee not
20 in excess of [\$50.00] \$500 per day of hearing or fraction thereof,
21 according to such fee schedule as the director shall from time to
22 time adopt by rule. Such fee shall be in addition to any filing fee
23 imposed pursuant to sections [17] 16 and 18 of [this act] P.L.1972,
24 c.186 (C.48:5A-16; C.48:5A-18); the amount shall be due and
25 payable upon presentation of an invoice.

26 d. All fees and charges collected under the provisions of section
27 16[, 17] or 18 of [this act] P.L.1972. c.186 (C.48:5A-16; C.48:5A-
28 18) shall be received by the director for the sole use of the State,
29 and [he] the director shall report on and return to the State Treasurer
30 all such fees and charges collected [by him].

31 (cf: P.L.1972, c.186, s.18)

32

33 16. Section 19 of P.L.1972, c.186 (C.48:5A-19) is amended to
34 read as follows:

35 19. A [certificate of approval] system-wide franchise issued by
36 the board shall be nontransferable, except by consent of the board;
37 [shall specify the area to which it applies and the municipal
38 consents upon which it is based,] and shall be valid for 15 years
39 from the date of issuance or 20 years from the date of issuance if
40 the board certifies that a CATV company has implemented an open
41 video system in accordance with 47 U.S.C. s.573 [within one year
42 after receiving a municipal consent, or until the expiration,
43 revocation, termination or renegotiation of any municipal consent

1 upon which it is based, whichever is sooner. But amendment of the
2 terms of a municipal consent by mutual consent and in conformity
3 with the procedures specified in this act during the term for which it
4 was issued shall not require the issuance of a new certificate of
5 approval. A CATV company holding a certificate based upon a
6 municipal consent with a provision for automatic renewal for a term
7 not exceeding 10 years beyond its expiration date or 15 years
8 beyond its expiration date if the board certifies that the CATV
9 company has implemented an open video system in accordance with
10 47 U.S.C. s.573, shall be entitled to automatic reissuance of a
11 certificate for such term, unless it shall forfeit such entitlement by
12 violation of any terms of this act, regulations issued pursuant
13 thereto, or by the terms of the municipal consent]. A system-wide
14 franchise issued pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.)
15 shall not require a CATV company to operate outside of the areas in
16 which the company either has plant or equipment in use for the
17 provision of any consumer video, cable or telecommunications
18 service, or has proposed to place into use such plant or equipment
19 for the provision of such services in accordance with a schedule of
20 construction approved by the board. Renewal of a system-wide
21 franchise shall be valid for 15 years from the date of the renewal
22 issuance, and the board shall establish rules governing the renewal
23 of a system-wide franchise.

24 (cf: P.L.2003, c.38, s.4)

25

26 17. Section 20 of P.L.1972, c.186 (C.48:5A-20) is amended to
27 read as follows:

28 20. a. Upon obtaining the prior approval of the board, a CATV
29 company may construct and maintain the wires, cables, and
30 conduits necessary to its business upon, under or over any highway,
31 and may erect and maintain the necessary fixtures, including poles
32 and posts, for sustaining such wires and cables; provided, however,
33 that such wires, cables and fixtures shall be so placed or constructed
34 as not to unreasonably inconvenience public travel on the highway
35 or the use thereof by public utilities or other persons or
36 organizations having rights therein.

37 b. Whenever the [Board] board shall find that public
38 convenience and necessity require the use by a CATV company or a
39 public utility of the wires, cables, conduits, poles or other
40 equipment, or any part thereof, on, over or under any highway or
41 any right-of-way and belonging to another CATV company or
42 public utility, and that such use will not result in injury to the owner
43 or other users of such equipment or any right-of-way or in any
44 substantial detriment to the service, and that such CATV companies
45 or public utilities have failed to agree upon such use or the terms
46 and conditions or compensation for the same, the [office] board
47 may order that such use be permitted and prescribe a reasonable

1 compensation and reasonable terms and conditions for the joint use.
2 If such use is ordered, the CATV company or public utility to which
3 the use is permitted shall be liable to the owner or other users of
4 such equipment for such damage as may result therefrom to the
5 property of such owner or other users thereof.
6 (cf: P.L.1972, c.186, s.20)

7
8 18. Section 7 of P.L.1991, c.412 (C.48:5A-20.1) is amended to
9 read as follows:

10 7. Within 30 days after the effective date of [this act] P.L. _____, c.
11 (C. _____) (pending before the Legislature as this bill), the [Board of
12 Regulatory Commissioners] board shall notify the general manager
13 of every cable television company that, in order to receive notice by
14 an applicant pursuant to subsection h. of section 7.1 of P.L.1975,
15 c.291 (C.40:55D-12), the cable television company shall register
16 with any municipality in which the cable television company has
17 plant located in a right-of-way or easement.
18 (cf: P.L.1991, c.412, s.7)

19
20 19. Section 21 of P.L.1972, c.186 (C.48:5A-21) is amended to
21 read as follows:

22 21. Upon the prior approval of the [Board] board, any person
23 may lease or rent or otherwise make available facilities or rights-of-
24 way, including pole space, to a CATV company for the
25 redistribution of television signals to or toward the customers or
26 subscribers of such CATV company. Any lease, rental or other
27 method of making available such facilities or rights-of-way,
28 including pole space, which is in effect on the effective date of [this
29 act] P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill)
30 and which will be in effect for a period of more than 120 days after
31 [the effective] that date [of this act] shall be submitted to the board
32 for approval within 120 days after [the effective] that date [of this
33 act], and if such lease or rental or other method is disapproved by
34 the board it shall thereupon become void. The terms and
35 conditions, including rates and charges to the CATV company,
36 imposed by any public utility under any such lease, rental or other
37 method of making available such facilities or rights-of-way,
38 including pole space, to a CATV company shall be subject to the
39 jurisdiction of the [Board of Public Utility Commissioners] board in
40 the same manner and to the same extent that rates and charges of
41 public utilities generally are subject to the board's jurisdiction by
42 virtue of the appropriate provisions of Title 48 of the Revised
43 Statutes.
44 (cf: P.L.1972, c.186, s.21)

1
2 20. (New section) Municipal consents and certificates of
3 approval for applications to provide cable television services in a
4 municipality issued prior to the effective date of P.L. , c. (C.)
5 (pending before the Legislature as this bill) shall remain in effect
6 until such time as they may expire or until such time as the cable
7 television company is granted a renewal of the franchise as a
8 system-wide franchise. Both the municipality and the cable
9 television company shall be bound by the terms of the municipal
10 consents and certificates of approval until such time as the
11 municipal consents and certificates of approval have been converted
12 or renewed into a system-wide franchise. A cable television
13 company with a franchise or franchises issued prior to the effective
14 date of P.L. , c. (C.) (pending before the Legislature as this
15 bill) may, if it wishes, seek early renewal of such franchise or
16 franchises as a system-wide franchise. All renewals, whether
17 sought early or at the expiration of the franchise, shall be
18 consolidated under a single system-wide franchise for each cable
19 television company. No further municipal consents or certificates
20 of approval shall be issued after the effective date of P.L. , c.
21 (C.) (pending before the Legislature as this bill). Nothing herein
22 shall preclude a municipality from enforcing its right-of-way
23 management powers on a non-discriminatory basis.
24

25 21. (New section) a. As part of any system-wide franchise
26 issued by the board pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.),
27 a cable television company shall be required to:

28 (1) begin providing cable television service on a commercial
29 basis, within three years of issuance of the system-wide franchise,
30 in the sixty municipalities having the greatest population density in
31 the cable television company's service area. Such population
32 density determination and rankings shall be based on the average
33 population density in all municipalities within the cable television
34 company's service area, as determined by the last decennial census
35 prior to the cable television company's application;

36 (2) make cable television service available throughout the
37 residential areas of any such municipalities within six years of the
38 date the company first provides cable television service on a
39 commercial basis directly to multiple subscribers within such
40 municipalities, provided, however, that such provision of service
41 shall not be required in: (a) areas where developments or buildings
42 are subject to claimed exclusive arrangements with other providers;
43 (b) developments or buildings that the cable television company
44 cannot access under commercially reasonable terms and conditions
45 after good faith negotiation; (c) developments or buildings in which
46 the cable television company is unable to provide cable television
47 service for technical reasons or which require non-standard
48 facilities that cannot be deployed on a commercially reasonable

1 basis; or (d) areas where the cable television company is unable to
2 access the public rights-of-way under reasonable terms and
3 conditions;

4 (3) provide service to all groups of potential residential cable
5 television subscribers within a municipality for which a franchise
6 has been granted to the cable television company, without
7 discrimination on the basis of the incomes levels of the residents of
8 the local area in which such groups reside; and

9 (4) fully complete a system capable of providing cable
10 television service to all residents of a municipality for which a
11 franchise has been issued to the cable television company pursuant
12 to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), subject to
13 any line extension rules, regulations or policies as set or approved
14 by the board and the requirements of paragraphs (1) through (3) of
15 this subsection.

16 b. Any person affected by the requirements of subsection a. of
17 this section may seek enforcement of such requirements by
18 initiating a proceeding with the board. As used in this section, an
19 affected person includes a municipality within which the potential
20 residential subscribers referred to in subsection a. of this section
21 reside.

22 c. If the board determines that a cable television company has
23 denied access to cable television service to a group of potential
24 residential subscribers because of the income levels of the residents
25 of the local area in which such group resides, the board is
26 authorized to direct the company to rectify the noncompliance, and
27 to enforce such directive through any appropriate method, including
28 the imposition of monetary penalties and disgorgement set forth in
29 section 51 of P.L.1972, c.186 (C.48:5A-51). A municipality in
30 which the provider offers cable television service shall be an
31 appropriate party in any such proceeding.

32

33 22. Section 26 of P.L.1972, c.186 (C.48:5A-26) is amended to
34 read as follows:

35 26. a. [An] With regard to any municipal consent and certificate
36 of approval issued prior to the effective date of P.L. , c. (C.)
37 (pending before the Legislature as this bill), the ordinance issuing a
38 municipal consent pursuant to [this act] P.L.1972, c.186 (C.48:5A-1
39 et seq.) shall designate some officer, office, bureau or other agency
40 of the municipal government as "complaint officer" to receive and
41 act upon complaints by subscribers to cable television reception
42 service of the CATV company to which such consent is issued; and
43 shall provide for the establishment of procedures and methods by
44 which such complaints shall be received, processed and acted upon,
45 for the resolution and settlement of complaints and disputes
46 between such subscribers and the company, and for the
47 enforcement of decisions made by such "complaint officer." All

1 complaints by such subscribers alleging inadequate, unsafe or
2 improper service or failure by the company to comply with the
3 terms of the municipal consent shall be made in the first instance to
4 such "complaint officer." The "complaint officer" shall, within 30
5 days of the receipt of such a complaint, report in writing to the
6 subscriber the disposition or status of [his] the subscriber's
7 complaint. Any subscriber or CATV company aggrieved by the
8 action of a "complaint officer" in connection with such complaint or
9 dispute, or any subscriber who shall not have received the written
10 report required under this section within 30 days, may petition the
11 office for a hearing upon said complaint, under the rules
12 promulgated by the director for the hearing and disposition of such
13 matters.

14 b. [Any] With respect to a municipal consent and certificate of
15 approval issued prior to the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), any municipality may,
17 in lieu of complying with the terms of subsection a. of this section,
18 provide in the ordinance issuing its municipal consent that
19 complaints by local subscribers to cable television reception service
20 shall be filed directly with the office, which shall thereupon be
21 deemed the "complaint officer" for purposes of this section.

22 c. Each CATV company [receiving a municipal consent], with
23 respect to either a municipal consent and certificate of approval
24 issued prior to the effective date of P.L. , c. (C.) (pending
25 before the Legislature as this bill) or a system-wide franchise issued
26 pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), shall provide to
27 each subscriber to its cable television reception service, at the time
28 [of his becoming] that person becomes a subscriber and at least
29 once in each calendar year thereafter while [he] that person remains
30 a subscriber, in a form approved by the director, information as to
31 the identity of the "complaint officer," [of] which for system-wide
32 franchises shall be the Office of Cable Television, the identity and
33 location of the local business office or agent required under
34 subsection d. of this section, and [of] the procedure to be followed
35 in making and pursuing complaints to the "complaint officer" or the
36 office pursuant to this section.

37 d. A [municipal consent] system-wide franchise issued pursuant
38 to [this act] P.L.1972, c.186 (C.48:5A-1 et seq.) shall require that
39 the CATV company to which it is issued shall maintain [a] local
40 business [office or agent] offices or agents within the political
41 boundary of the municipality served or, with the prior approval of
42 the board, within ten miles of the political boundary of the
43 municipality, for the purpose of receiving, investigating and
44 resolving all complaints regarding the quality of service, equipment

1 malfunctions, and similar matters.

2 (cf: P.L.1972, c.186, s.26)

3

4 23. Section 8 of P.L.2003, c.38 (C.48:5A-26.1) is amended to
5 read as follows:

6 8. a. In addition to the requirements as provided in section 26 of
7 P.L.1972, c.186 (C.48:5A-26), the board shall, upon notice, by
8 order in writing require every CATV company to keep for at least a
9 period of [one year] three years, a record of complaints received at
10 the CATV company's office, which shall include the name and
11 address of the subscriber, the date, the nature of complaint, any
12 corrective action taken if required, and the final disposition of the
13 complaint. The record shall be available for inspection by the staff
14 of the office. Copies of such record shall be provided to the staff of
15 the office upon request.

16 b. Every CATV company shall furnish to the office annually a
17 detailed report of the number and character of complaints made by
18 customers and communicated to the CATV company. In meeting
19 such requirement, the board shall establish a procedure for CATV
20 companies to record and characterize those customer complaints
21 using a uniform reporting methodology and containing those
22 matters as the board may from time to time prescribe. Copies of the
23 report shall be forwarded to the Governor and members of the
24 Legislature. All reports submitted to the office shall comply with
25 the provisions of the "Cable Subscriber Privacy Protection Act,"
26 P.L.1988, c.121 (C.48:5A-54 et seq.).

27 (cf: P.L.2003, c.38, s.8)

1 24. Section 28 of P.L.1972, c.186 (C.48:5A-28) is amended to
2 read as follows:

3 28. In addition to whatever other information may be required
4 by the director under duly promulgated rules and regulations to be
5 contained in any application for a [municipal consent] system-wide
6 franchise, each such application shall contain:

7 a. A [description of the area to be served] deployment schedule,
8 setting forth the municipalities to be served, the date service shall
9 begin in each proposed municipality, and a date certain by which
10 each community will be fully built-out, subject to the build-out
11 requirements set forth in P.L.1972, c.186 (C.48:5A-1 et seq.).

12 b. A description of the proposed service in terms of the number
13 of channels of cable television reception service.

14 c. Sufficient evidence that the applicant company has the
15 financial and technical capacity and the legal, character and other
16 qualifications to construct, maintain and operate the necessary
17 installations, lines and equipment and to provide the service
18 proposed in a safe, adequate and proper manner.

19 d. Evidence of sufficient bond, or commitment therefor, with
20 sureties to be approved by the [municipality] office, in the penal
21 sum of not less than \$25,000.00 for the faithful performance of all
22 undertakings by the company as represented in the application; the
23 sufficiency of which shall be subject to review by the director and
24 approval by the board.

25 e. An undertaking to hold the [municipality] board and all
26 municipalities served harmless from any liability arising out of the
27 company's operation and construction of its CATV system.

28 f. Evidence of sufficient insurance insuring the [municipality]
29 board, all municipalities served and the company with respect to all
30 liability for any death, personal injury, property damage or other
31 liability arising out of the company's construction and operation of
32 its CATV system; the sufficiency of which shall be subject to
33 review by the director and approval by the board. Such insurance
34 shall be [in the minimum amounts of] no less than: (1) \$150,000.00
35 for bodily injury or death to any one person, within the limit,
36 however, of \$500,000.00 for bodily injury or death resulting from
37 any one accident, (2) \$100,000.00 for property damage resulting
38 from any one accident, and (3) \$50,000.00 for all other types of
39 liability; the sufficiency of which shall be subject to review by the
40 director and approval by the board.

41 g. A schedule of proposed rates for cable television reception
42 service, which rates shall not be altered during the term for which
43 the [municipal consent] franchise is issued, except by application to
44 the board for amendment of the terms and conditions of said
45 [consent] franchise after public hearing, subject to the rules of the

1 office, review by the director and approval by the board, or
2 amendment pursuant to the provisions of subsection c. of section 16
3 of [this act] P.L.1972, c.186 (C.48:5A-16) or subsection b. of
4 section 11 of [this act] P.L.1972, c.186 (C.48:5A-11).

5 h. A commitment as to those municipalities that are served by a
6 cable television company at the time of the application, to match or
7 surpass any line extension policy placed into effect by a local
8 franchise or certificate of approval, for the duration of the system-
9 wide franchise. In any event, the cable television company shall
10 extend its plant along public rights-of-way to all residences and
11 businesses within 150 aerial feet of the operator's existing plant at
12 no cost beyond the normal installation rate, and to all residences
13 and businesses within 100 underground feet of the operator's plant
14 at no cost beyond the normal installation rate, and shall set a
15 minimum house per mile density of no more than 35 homes per
16 mile. This commitment shall be in addition to any and all board
17 orders and rules that impact upon the extension of plant, including,
18 but not limited to, the board's regulations adopted pursuant to
19 N.J.A.C. 14:3-8.1 et seq.

20 i. A commitment to provide to each municipality that is served
21 by a cable television company, with two public, educational and
22 governmental access channels. In the event that two or more access
23 channels are requested by a municipality, the municipality shall
24 demonstrate that its cable-related needs require the provision of
25 such additional access channels. Any and all cable television
26 companies operating in a municipality shall provide interconnection
27 to all other cable television companies on reasonable terms and
28 conditions and the board shall adopt regulations for procedures by
29 which disputes between such cable television companies shall be
30 determined and expeditiously resolved. Each municipality or its
31 non-profit designee shall assume responsibility for the management,
32 operations and programming of the public, educational and
33 governmental access channels.

34 j. A commitment to retain or provide, without charge, one
35 service outlet activated for basic service to any and all fire stations,
36 public schools, police stations, public libraries, and other such
37 buildings used for municipal purposes.

38 k. A commitment to provide free Internet service, without
39 charge, through one service outlet activated for basic service to any
40 and all fire stations, public schools, police stations, public libraries,
41 and other such buildings used for municipal purposes.

42 l. A commitment to provide equipment and training for access
43 users, without charge, on a schedule to be agreed upon between the
44 municipality and the cable television operator.

45 m. A commitment to provide a return feed from any one location
46 in the municipality, without charge, to the cable television
47 company's headend or other location of interconnection to the cable

1 television system for public, educational or governmental use and
2 which, at a minimum, provides the ability for the municipality to
3 cablecast live or taped access programming, in real time, as may be
4 applicable, to the cable television company's customers in the
5 municipality. A cable television company shall only be required to
6 provide a return line without charge if such return line would be
7 within the distance of a standard installation, as defined by the
8 cable television company and specified in the tariff on file with the
9 board. If an installation exceeds the distance limitations of a
10 standard installation, the cable television company may only charge
11 the municipality for the costs of extending the line beyond the
12 distance limitations of standard installation costs. No cable
13 television company is responsible for providing a return access line
14 unless a municipality requests a line in writing. A cable television
15 company that has interconnected with another cable television
16 company may require the second cable television company to pay
17 for half of the cable television company's absorbed costs for
18 extension. The board shall adopt rules for procedures for resolving
19 disputes between cable television companies and between cable
20 television companies and municipalities concerning the provisions
21 of this section.

22 (cf: P.L.1972, c.186, s.28)

23

24 25. (New section) a. In the event the cable television company
25 is required to modify any element of the franchise application,
26 including the deployment schedule, the cable television company
27 shall seek prior board approval.

28 b. All of the elements required to be included in the franchise
29 application pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.) shall be
30 considered as part of the commitment of the system-wide franchise,
31 and shall form, in part, the foundation for the board's decision as to
32 the system-wide franchise. The failure of a cable television
33 company to abide by or conform its practices to the commitments in
34 the application shall be considered a violation of the system-wide
35 franchise, and the board may enforce these provisions through any
36 appropriate method, including the imposition of penalties and
37 disgorgement under section 51 of P.L.1972, c.186 (C.48:5A-51), or
38 the suspension or revocation of the system-wide franchise.

39

40 26. Section 29 of P.L.1972, c.186 (C.48:5A-29) is amended to
41 read as follows:

42 29. All proposals and representations included in an application
43 for [municipal consent] a system-wide franchise shall conform to
44 applicable rules and regulations of the office; except that nothing in
45 [this act] P.L.1972, c.186 (C.48:5A-1 et seq.) shall be construed to
46 prevent an applicant from exceeding minimum requirements set by
47 the office, or offering facilities and services not required or

1 forbidden by such rules and regulations.

2 (cf: P.L.1972, c.186, s.29)

3 27. Section 30 of P.L.1972, c.186 (C.48:5A-30) is amended to
4 read as follows:

5 30. a. In consideration of a [municipal consent] system-wide
6 franchise issued under [this section] P.L.1972, c.186 (C.48:5A-1 et
7 seq.), the CATV company to which [it] the system-wide franchise is
8 issued shall annually pay: (1) to [the] each municipality [granting
9 the same] served by the CATV company, in lieu of all other
10 franchise taxes and municipal license fees, except as may otherwise
11 be provided by this subsection, a sum equal to [2%] three percent of
12 the gross revenues [from all recurring charges in the nature of
13 subscription fees paid by subscribers to its cable television
14 reception service in such municipality] that the company derives
15 during the calendar year from all the charges or fees paid by
16 subscribers in the municipality to the company for providing cable
17 television service for basic, expanded basic and premier tier
18 programming, for pay-per-view events, seasonal or sporting events
19 of limited duration, and for all similar programming or channels;
20 (2) to the county in which such municipality is located, a sum equal
21 to one half of one percent of the gross revenues that the company
22 derives during the calendar year from all the charges or fees paid by
23 subscribers in the municipality to the company for providing cable
24 television service for basic, expanded basic and premier tier
25 programming, for pay-per-view events, seasonal or sporting events
26 of limited duration, and for all similar programming or channels;
27 and (3) to persons residing in the municipality who are eligible for
28 the "Pharmaceutical Assistance to the Aged and Disabled" program
29 established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), a sum
30 equal to the amount that such eligible persons pay as charges or fees
31 to the company for providing the basic tier programming service to
32 such persons, provided that the yearly total of such payments from
33 the company does not exceed one half of one percent of the gross
34 revenues that the company derives during the calendar year from all
35 the charges or fees paid by subscribers in the municipality to the
36 company for providing cable television service for basic, expanded
37 basic and premier tier programming, for pay-per-view events,
38 seasonal or sporting events of limited duration, and for all similar
39 programming or channels. Each CATV company shall, on or before
40 the twenty-fifth day of January each year, file with the chief fiscal
41 officer of each municipality and county, in the territory in which it
42 is certificated to operate a statement, verified by oath, showing the
43 gross receipts from such charges, and shall at the same time pay
44 thereon: (1) to [said]the chief fiscal officer of the municipality the

1 [2%] three percent charge hereby imposed on those receipts as a
2 yearly franchise revenue for the use of the streets, which sum the
3 municipality may use as part of its general revenue fund or to meet
4 the cable-related needs of the municipality; (2) to the chief fiscal
5 officer of the county in which the municipality is located the one
6 half of one percent charge hereby imposed on those receipts as a
7 yearly fee for payment of the costs of providing recreational
8 programs in the county; and (3) to eligible subscribers residing in
9 the municipality an amount equal to the charges or fees paid by
10 such subscribers during the preceding calendar year to the company
11 for providing the basic tier of cable television service to such
12 subscribers, provided that the yearly total of such payments by the
13 company to such subscribers does not exceed the one half of one
14 percent charge hereby imposed.

15 b. [Any CATV company which, pursuant to any agreement in
16 effect prior to the date of this act, paid or had agreed to pay to any
17 municipality in fees or other charges in consideration of the
18 consent of such municipality to the use of streets, alleys and public
19 places thereof for the installation and operation of a CATV system,
20 or similar consideration, a sum or rate exceeding that which it
21 would pay pursuant to this section shall, in applying for a certificate
22 (other than the certificate granted pursuant to subsection f. of
23 section 17 of this act) show to the satisfaction of the board that the
24 reduction in such payments effectuated by the application of this
25 section shall be reflected in (1) commensurate reduction of rates to
26 subscribers to cable television reception service or (2)
27 commensurate improvements in such service made available to
28 such subscribers. If the board is not so satisfied it shall amend, as
29 excessive, the rate schedule contained in the application so that
30 such rates shall be reduced to a degree commensurate with the
31 reduction in payments by the CATV company to the municipality.]
32 (Deleted by amendment, P.L. , c.) (pending before the
33 Legislature as this bill)

34 c. [A municipality may petition the board for permission to
35 charge a yearly franchise fee exceeding that prescribed in
36 subsection a. of this section. A municipal consent setting such a fee
37 in excess of the amount prescribed in subsection a. of this section
38 shall be deemed to constitute such a petition when filed with the
39 board pursuant to section 16 of this act as part of an application for
40 certificate of approval. A hearing pursuant to the provisions of
41 section 16 shall be held upon any application containing such
42 petition, or upon any such petition separately filed, and at such
43 hearing full notice and opportunity to be heard upon the matter
44 shall be accorded to both the municipality and any CATV company
45 affected thereby. The board after such hearing and upon
46 recommendation of the director may grant such petition and allow

1 the imposition of a franchise revenue exceeding that prescribed in
2 subsection a. of this section, and at a rate to be prescribed by the
3 board, when the board is satisfied that the same is warranted by the
4 expenses to the municipality with respect to the regulation or
5 supervision within its territory of cable television, or any other
6 expenses caused by the existence and operation within its territory
7 of cable television.] (Deleted by amendment, P.L. , c.)
8 (pending before the Legislature as this bill)

9 d. Under any municipal consent and certificate of approval
10 issued prior to the effective date of P.L. , c. (C.) (pending
11 before the Legislature as this bill), and in consideration of such
12 municipal consent and certificate of approval, the cable television
13 company to which they were issued shall pay to the municipality
14 which granted the same, in lieu of all other franchise taxes and
15 municipal license fees, a sum equal to two percent of the gross
16 revenues from all recurring charges in the nature of subscription
17 fees paid by subscribers to its cable television reception service in
18 such municipality. Each cable television company shall, on or
19 before the twenty-fifth day of January each year, file with the chief
20 fiscal officer of each municipality in the territory in which it is
21 certificated to operate a statement, verified by oath, showing the
22 gross receipts from such charges, and shall at the same time pay
23 thereon to said chief fiscal officer the two percent charge hereby
24 imposed as a yearly franchise revenue for the use of the streets.
25 (cf: P.L.1972, c.186, s.30)

26
27 28. Section 47 of P.L.1972, c.186 (C.48:5A-47) is amended to
28 read as follows:

29 47. The board may, after affording the holder an opportunity to
30 be heard, revoke, suspend or alter any certificate of approval or
31 franchise for the violation of any provisions of [this act] P.L.1972,
32 c.186 (C.48:5A-1 et seq.) or the rules, regulations or orders made
33 under authority of [this act] P.L.1972, c.186 (C.48:5A-1 et seq.), or
34 for other reasonable cause, upon a finding that the revocation,
35 suspension or alteration will not adversely affect the public interest
36 in the provision of safe, adequate and proper cable television
37 service in this State.
38 (cf: P.L.1972, c.186, s.47)

39
40 29. Section 51 of P.L.1972, c.186 (C.48:5A-51) is amended to
41 read as follows:

42 51. a. Any person or any officer or agent thereof who shall
43 knowingly violate any of the provisions of [this act] P.L.1972,
44 c.186 (C.48:5A-1 et seq.) or aid or advise in such violation, or who,
45 as principal, manager, director, agent, servant or employee
46 knowingly does any act comprising a part of such violation, is

1 guilty of a misdemeanor.

2 b. Any person who shall violate any provision of [this act]
3 P.L.1972, c.186 (C.48:5A-1 et seq.) or any rule, regulation or order
4 duly promulgated hereunder, shall be liable to a penalty of not more
5 than [\$500.00 for a first offense, not less than \$100.00 nor more
6 than \$1,000.00 for a second offense, and not less than \$500.00 nor
7 more than \$1,000.00 for a third and every subsequent offense]
8 \$10,000 as well as disgorgement of economic benefits received by
9 any person or persons committing such violation. The penalties and
10 return of economic benefits provided in this subsection [shall] may
11 be enforced by summary proceedings instituted by the board in the
12 name of the State in accordance with ["the penalty enforcement
13 law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal
14 courts shall have jurisdiction to enforce said "penalty enforcement
15 law" in connection with this act] the "Penalty Enforcement Law of
16 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). In addition, the board
17 may, after hearing, suspend a system-wide franchise for a period of
18 up to five years, or may revoke a system-wide franchise. A person
19 whose franchise is revoked shall be barred from making a new
20 application for a system-wide franchise for five years from the date
21 of revocation. In the case of a cable television company that has
22 failed to fully complete a system capable of providing cable service
23 in violation of section 21 of P.L. , c. (C.) (pending
24 before the Legislature as this bill), or that has denied cable
25 television service access to a group of potential residential
26 subscribers on the basis of income level in violation of section 21 of
27 P.L. , c. (C.) (pending before the Legislature as this
28 bill), the company's system-wide franchise shall be revoked, and the
29 company shall be barred from making a new application for a
30 system-wide franchise for five years from the date of revocation.

31 c. Whenever it shall appear to the board that any person has
32 violated, intends to violate, or will violate any provisions of this act
33 or any rule, regulation or order duly promulgated hereunder, the
34 board may institute a civil action in the Superior Court for
35 injunctive relief and for such other relief as may be appropriate in
36 the circumstances, and the said court may proceed in any such
37 action in a summary manner.

38 (cf: P.L.1991, c.91, s.470)

39

40 30. Section 6 of P.L.2003, c.38 (C.48:5A-64) is repealed.

41

42 31. This act shall take effect immediately, but sections 1 through
43 30 shall be inoperative until the 90th day after enactment, except
44 that the board may take such anticipatory administrative action as
45 may be necessary to effectuate the purposes of P.L. , c. (C.)
46 (pending before the Legislature as this bill).

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STATEMENT

The bill amends the State's "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) (the "act") to provide for the approval of system-wide franchises for cable television companies to construct or operate a cable system at any location within the State in which the company, at the time of the issuance of the system-wide franchise, either has plant or equipment in use for the provision of any consumer video, cable or telecommunications service or has proposed to place such plant or equipment into use to provide such service.

Under current law, cable television ("CATV") companies are required to obtain municipal consent in the form of an ordinance before they may obtain a certificate of approval from the Board of Public Utilities (the "BPU") to provide cable television service within a particular municipality.

The bill amends section 3 of the act to clarify and expand a number of definitions such as including in the definition of cable television company, the facilities of either a telephone common carrier or an electric public utility subject to BPU regulation, to the extent that such facilities are used for transmission of video programming.

The bill also amends section 3 of the act to add certain definitions and to clarify the meaning of terms such as system-wide franchise, local franchising authority, telecommunications service and video reception service.

The bill amends section 2 of P.L.1985, c.356 (C.48:5A-11.2) to include eligible members of economically disadvantaged groups as persons who may receive a reduction or discount for CATV service.

The bill amends section 16 of the act to require an application for a system-wide franchise to: (1) be in written form; (2) include such information as may be required by the Director of the office of Cable Television (the "director"); and (3) be accompanied by a filing fee of \$1,000 (which is increased from the current fee of \$100).

The bill amends section 17 of the act to authorize issuance of a system-wide franchise by the BPU if the applicant establishes to the BPU's satisfaction that all federal and State requirements have been met. The bill amends section 18 of the act to increase the fee for hearing an application for a system-wide franchise from \$50 to \$500 per day to defray administrative expenses.

The bill amends section 19 of the act to provide that: (1) a system-wide franchise shall not be transferable except by consent of the BPU; (2) renewal of a system-wide franchise shall be valid for 15 years from the renewal issuance date; and (3) the BPU shall establish rules governing the renewal of system-wide franchises.

1 Section 20 of the bill provides that any municipal consent and
2 certificate of approval issued prior to the effective date of the bill
3 for existing CATV companies shall remain in effect until they
4 expire or until the CATV company is granted a system-wide
5 franchise. Section 20 of the bill also provides that no further
6 municipal consents or certificates of approval shall be issued after
7 the effective date of the bill.

8 Section 21 of the bill requires that as part of any system-wide
9 franchise issued by the BPU, a CATV company shall be required to:

10 (1) begin providing cable television service on a commercial
11 basis, within three years of issuance of the system-wide franchise,
12 in the sixty municipalities having the greatest population density in
13 the cable television company's service area;

14 (2) make cable television service available throughout the
15 residential areas of any such municipalities within six years of the
16 date the company first provides cable television service on a
17 commercial basis directly to multiple subscribers within such
18 municipalities, except where it may be commercially unreasonable
19 to do so;

20 (3) provide such service to all groups within a municipality for
21 which a franchise has been issued to the CATV company, without
22 discrimination on the basis of the income levels of the residents of
23 the municipality; and

24 (4) fully complete a CATV service system to provide service to
25 all residents of a municipality for which a franchise has been issued
26 to the CATV company, subject to line extension rules, regulations
27 or policies set or approved by the BPU and consistent with the other
28 requirements of the section.

29 Section 21 of the bill also allows any person affected by the
30 requirements of a system-wide franchise to initiate proceedings
31 with the BPU to determine whether there has been a denial of
32 access and authorizes the BPU to impose appropriate penalties to
33 direct the provider to comply with the system-wide franchise
34 requirements.

35 Section 24 of the bill amends section 28 of the act to require that
36 an application for a system-wide franchise contain, in addition to
37 other information required by the director, a deployment schedule
38 setting forth the municipalities to be served, the dates that service
39 shall begin in each municipality and the dates by which the build
40 out requirements shall be met pursuant to the act.

41 In addition, section 24 of the bill requires a commitment from a
42 CATV company to:

43 (1) match or surpass any line extension policy in effect at the
44 time of the provider's application for a system-wide franchise, for
45 the duration of the franchise;

46 (2) provide each municipality served with two public,
47 educational or governmental access channels;

48 (3) provide, without charge, one basic service outlet and free

1 Internet service to fire stations, public schools, police stations,
2 public libraries and other municipal buildings; and

3 (4) provide a return feed from any one location in the
4 municipality, without charge, to the CATV company's headend or
5 other location of interconnection for public, educational or
6 governmental use that enables the municipality to cablecast live or
7 taped access programming to CATV customers in the municipality.

8 Section 27 of the bill amends section 30 of the act to require
9 CATV companies to pay:

10 (1) to the municipality served, a sum equal to three percent of
11 gross revenues derived from all tier levels of CATV programming
12 including pay-per-view events, seasonal or sporting events of
13 limited duration, and other similar programming or channels
14 provided to subscribers within the municipality;

15 (2) to the county in which the municipality is located, a sum
16 equal to one half of one percent of such gross revenues; and

17 (3) to persons residing in the municipality served who are
18 eligible for the "Pharmaceutical Assistance to the Aged and
19 Disabled" program established pursuant to P.L.1975, c.194
20 (C.30:4D-20 et seq.), a sum equal to the amount such persons pay
21 annually for basic tier CATV service provided that such payments
22 do not exceed one half of one percent of such gross revenues.

23 The bill further amends section 30 of the act to provide that:

24 (1) the three percent paid to municipalities by CATV companies
25 pursuant to section 30 of the act may be used as part of the general
26 revenue fund for municipal purposes or to meet cable-related needs
27 of the municipality;

28 (2) the one half of one percent paid to the county in which such
29 municipality is located pursuant to section 30 of the act shall be
30 allocated for payment of recreational programs in the county; and

31 (3) the payments required to be made to eligible CATV
32 subscribers for basic CATV service pursuant to section 30 of the act
33 shall not exceed an amount equal to the one half of one percent
34 charge imposed by section 30 of the act.

35 The bill also amends section 30 of the act to provide that CATV
36 companies issued municipal consents and certificates of approval
37 prior to the effective date of the bill, shall pay to the municipality
38 two percent of the gross revenues from providing basic CATV
39 service to subscribers in the municipality for the use of streets.

40 This bill amends section 51 of the act to increase penalties for
41 violation of the act to \$10,000 as well as disgorgement of economic
42 benefits received by persons committing violations of the act. The
43 bill authorizes the BPU to suspend a violator's system-wide
44 franchise for up to five years, or to revoke a violator's franchise. A
45 person whose system-wide franchise is revoked would be barred for
46 five years from reapplying for a new system-wide franchise. A
47 cable television service franchisee who has failed to complete a
48 system capable of providing cable service pursuant to the criteria

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1 set forth in section 21 of the bill shall be subject to revocation of the
2 system-wide franchise and barred for five years from making a new
3 application for a system-wide franchise.

4 The bill also amends the act to clarify eligibility for various
5 discounts that may be offered to subscribers and to update and
6 clarify certain provisions of the act.