

ASSEMBLY, No. 1426

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblyman DALTON

1 AN ACT concerning cable television franchises and amending
2 P.L.1972, c.186.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

9 19. A certificate of approval issued by the board shall be
10 nontransferable, except by consent of the board; shall specify the area
11 to which it applies and the municipal consents upon which it is based,
12 and shall be valid for 15 years from the date of issuance or until the
13 expiration, revocation, termination or renegotiation of any municipal
14 consent upon which it is based, whichever is sooner. But amendment
15 of the terms of a municipal consent by mutual consent and in
16 conformity with the procedures specified in this act during the term for
17 which it was issued shall not require the issuance of a new certificate
18 of approval. [A CATV company holding a certificate based upon a
19 municipal consent with a provision for automatic renewal for a term
20 not exceeding 10 years beyond its expiration date shall be entitled to
21 automatic reissuance of a certificate for such term, unless it shall
22 forfeit such entitlement by violation of any terms of this act,
23 regulations issued pursuant thereto, or by the terms of the municipal
24 consent.]

25 (cf: P.L.1972, c.186, s.19)

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27 2. Section 25 of P.L.1972 c.186 (C.48:5A-25) is amended to read
28 as follows:

29 25. A municipal consent issued pursuant to this act shall conform
30 in form and substance to all requirements of this act and of rules,
31 regulations and orders duly promulgated by the director. It shall
32 specify with particularity the territory to which it applies, and the term
33 for which it is issued. Such term shall not exceed 15 years [; but
34 provision may be included for automatic renewal at the expiration

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 thereof for an additional term not exceeding 10 years unless either the
2 municipality or the company shall not later than 60 days before the
3 expiration of the initial term serve upon the other party notice of its
4 intention not to accept such renewal]. No CATV company whose
5 municipal consent or renewal thereof has expired shall be authorized
6 to continue its operations unless prior to such expiration it has
7 obtained a certificate of approval from the board authorizing such
8 continued operation, except that such a CATV company which has
9 initiated proceedings to obtain such certification from the board prior
10 to the expiration of the municipal consent may continue its operations
11 pending the final disposition of such proceedings.
12 (cf: P.L.1972, c.186, s.25)

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14 3. This act shall take effect immediately.

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STATEMENT

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19 This bill amends the State "Cable Television Act," P.L.1972, c.186
20 (C.48:5A-1 et seq.) to remove authorization for automatic renewal of
21 cable franchises.

22 Current law authorizes an automatic renewal of a franchise for a
23 term not exceeding 10 years beyond its expiration date. When such a
24 provision exists current law directs the automatic reissuance of a
25 certificate of approval by the Office of Cable Television. This bill
26 would remove authorization for automatic renewal provisions and all
27 franchise renewals would be required to go through renewal
28 proceedings as proscribed in federal law, 47 U.S.C.A. §546.

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33 Removes authorization for automatic renewal provisions in cable
34 television franchises.