

2. A description of the proposed transferee including information as to whether the proposed transferee is a cable television company, a holding company either separately or by affiliation in a cable television holding company system, or a person or other domestic or foreign corporation;

3. A description of the capital stock proposed to be transferred including the class of shares, number of shares and the par or stated value thereof;

4. The per cent in interest of the outstanding voting capital stock of the cable television company which the proposed transfer, either by itself or in connection with other previous sales or transfers, will vest in the transferee;

5. The reason for the proposed transfer;

6. Details and explanation of any changes expected to be made, if petition is approved, in:

i. Board of Directors;

ii. Officers and active managers;

iii. Company policies with respect to its operations, financing, accounting, capitalization, rates, depreciation, maintenance, services and other matters affecting the public interest.

7. The qualifications and the business or technical experience of the proposed officers, directors and stockholders, or other principal management and operating personnel with particular respect to their ability to carry out the cable television company's obligation to render safe, adequate, efficient and proper service.

8. Proof of service of notice of the proposed transfer to the municipalities being served by the cable television company.

(b) For purposes of this section, proof of service of notice shall include a copy of the notice and certification of service upon the indicated party.

Amended by R.1985 d.449, effective September 3, 1985.

See: 17 N.J.R. 1062(b), 17 N.J.R. 2142(b).

Proof of service of notice to municipalities added at (a)8.

Amended by R.1994 d.194, effective April 18, 1994.

See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

Amended by R.1999 d.108, effective April 5, 1999.

See: 30 N.J.R. 4131(a), 31 N.J.R. 898(a).

Added (b).

14:17-6.15 Petitions for permission to lend money or property

(a) Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq., shall conform to N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4, to the extent applicable, and shall in the body thereof, or in exhibits thereto, provide the following additional information:

1. Name, address, per cent of stock ownership and affiliation with petitioner or other cable television company of lender;

2. Amount of money or description of property proposed to be lent;

3. A copy of the proposed agreement including the terms and conditions related thereto;

4. Reasons for the proposed loan;

5. Proof that the loan will not impair the petitioner's ability to provide safe, adequate, efficient, economical and proper service.

Amended by R.1994 d.194, effective April 18, 1994.

See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

14:17-6.16 Filings for unregulated charges or which do not propose changes in regulated charges to customers

(a) Filings for the purpose of making effective initial schedules of all prices, rates, terms and conditions, or revisions, changes or alterations of existing schedules of all prices, rates, terms and conditions and where a rate application form as promulgated by the FCC pursuant to 47 CFR 76.900 et seq., is not being filed shall conform to the provisions of N.J.A.C. 14:17-4, to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1. Four copies of the proposed schedule of all prices, rates, terms and conditions or revision, change or alteration thereof, together with an explanation of the manner in which the schedule of all prices, rates, terms and conditions or change differs from the existing or a prior schedule of all prices, rates, terms and conditions;

2. A statement of the reasons why the said schedule of all prices, rates, terms and conditions or change is proposed to be filed;

3. A statement of notices given, if any, together with a copy of the text of each of said notices; and

4. A statement as to the date on which it is proposed to make the schedule of all prices, rates, terms and conditions or change effective, which date shall not be earlier than 30 days after the filing unless otherwise permitted by the Office with the approval of the Board, except where mere advance notice is sufficient under N.J.A.C. 14:18-3.16.

(b) Review of petitions and schedule of all prices, rates, terms and conditions under this section shall conform and comply with the regulations and procedures established by the Federal Communications Commission for the regulation of cable television rates.

(c) Notice shall be provided in accordance with N.J.A.C. 14:18-3.16.

Amended by R.1994 d.194, effective April 18, 1994.

See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

Amended by R.2004 d.281, effective July 19, 2004.

See: 36 N.J.R. 641(a), 36 N.J.R. 3409(a).

In (a), rewrote the introductory paragraph and 1, inserted "except where mere advance notice is sufficient under N.J.A.C. 14:18-3.16" following "approval of the Board" in 4, and deleted 5; added (c). Amended by R.2009 d.337, effective November 16, 2009. See: 41 N.J.R. 2222(a), 41 N.J.R. 4308(c).

Section was "Tariff filings for unregulated charges or which do not propose changes in regulated charges to customers". In the introductory paragraph of (a), substituted "Filings" for "Tariff filings", "schedules of all prices, rates, terms and conditions" for "tariffs" twice and "CFR" for "C.F.R. §" and inserted a comma following "et seq."; in (a)1, (a)2 and (a)4, substituted "schedule of all prices, rates, terms and conditions" for "tariff" throughout; in (a)4, inserted a comma following "Board"; and in (b), substituted "schedule of all prices, rates, terms and conditions" for "tariffs".

14:17-6.17 Rate application filings, which propose changes in regulated charges

(a) Rate application filings for the purpose of making effective revisions, changes or alterations of existing schedules of all prices, rates, charges and services, which propose to change any regulated rate, rental or charge or to alter any classification, practice, rule or regulation shall do so by filing the applicable rate forms promulgated by the FCC and shall in the body thereof, or in attached exhibits, contain all applicable information and supporting data prepared in accordance with generally accepted accounting and auditing principles or the applicable FCC regulations and:

1. A copy of the draft newspaper notice of the rate changes to be published in the service area requesting subscriber comment over a 30-day period beginning the date of publication;

2. A separate cover letter for each different application indicating which service territory or system is to be affected by the cable television company's rate application. A copy of the letter should accompany each copy of the application submitted; and

3. A statement as to the date on which it is proposed to make the schedule of all prices, rates, charges and services or change effective, which date shall not be earlier than 30 days after the filing unless otherwise permitted by the Office with the approval of the Board.

(b) Each cable television company that makes a filing under (a) above shall, at the same time, unless otherwise ordered or permitted by the Board, give notice thereof as follows:

1. Serve a notice of this filing, which includes a statement of the municipality's procedural rights under N.J.S.A. 48:5A-18(b) and N.J.A.C. 1:1-12.1, to elect to intervene as a party presenting evidence or to participate by written and/or oral statements or briefs under N.J.A.C. 1:1-12.6, and a copy of the proposed schedule of all prices, rates, terms and conditions or a copy of the petition or a statement of the effect of the proposed filing upon the municipal clerk in each of the municipalities in which there is rendered cable television service, the regulated charge for which is proposed to be changed;

2. Serve a notice of the filing and two copies of the schedule of all prices, rates, terms and conditions or rate application filing on the Department of Law and Public Safety, 124 Halsey Street, PO Box 45029, Newark, New Jersey 07102 and on the Director, Division of Rate Counsel, Department of the Public Advocate, 31 Clinton Street, PO Box 46005, Newark, New Jersey 07102; and

3. Serve on all current subscribers who are billed on a recurring basis and who will be affected by said filing, a notice of filing and a statement of its effect on subscribers of various classes. Such notice may be by bill insert or by publication in newspapers published and circulated in the cable television company's service area.

(c) Each cable television company that makes a filing under (a) above shall, after being advised by the Office of the time and place fixed for hearing, if any, and unless otherwise ordered or permitted by the Board or Office, serve notice at least 20 days prior to such time on those persons specified in (b) 1 and (b)2 above and shall give such notice to those persons designated in N.J.A.C. 14:17-6.17(b)3 as current subscribers billed on a recurring basis, by bill insert or by publication 20 days prior to the date set for hearing, in newspapers published and circulated in the cable television company's service area.

(d) The notices provided for in (b) and (c) above may be given simultaneously.

(e) Where notice is prescribed under this Section it shall be at the cost and expense of the party obligated to give or serve the notice.

(f) Proof of service and/or notice required by this rule shall be filed with the Office at least five days before the date set for hearing.

(g) An opportunity for public comment shall be afforded affected subscribers. In the discretion of the presiding hearer, public comment may take the form of a hearing in the service territory or other reasonably convenient location and/or the submittal of written comments, if doing so is in the interest of prompt disposition and judicial economy.

1. The presiding officer shall also have the discretion to combine any public comment hearings to encompass more than one service territory served by a single cable operator or similar rate requests filed by more than one cable operator, if doing so is in the interest of prompt disposition and judicial economy.

2. Notwithstanding the provisions of N.J.A.C. 1:1-14.10(k)6 and (1), interlocutory appeals from a hearer's decision on public comment pursuant to this subsection shall be made to the Board in accordance with the terms of N.J.A.C. 1:1-14.10.

(h) Review of rate application filings and schedules of all prices, rates, terms and conditions under this section shall conform and comply with the regulations and procedures established by the Federal Communications Commission for the regulation of cable television rates.

(i) If there are changes to the rates as a result of the Board's review, a copy of the final schedule of all prices, rates, terms and conditions reflecting the actual rates to be charged shall be filed no later than 30 days prior to the effective date of the rate change.

Amended by R.1985 d.449, effective September 3, 1985.

See: 17 N.J.R. 1062(b), 17 N.J.R. 2142(b).

Notice requirements added to (b); hearing requirement added at (g).

Amended by R.1994 d.194, effective April 18, 1994.

See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

Amended by R.1995 d.173, effective March 20, 1995.

See: 27 N.J.R. 46(a), 27 N.J.R. 1194(a).

Amended by R.1999 d.108, effective April 5, 1999.

See: 30 N.J.R. 4131(a), 31 N.J.R. 898(a).

In (b)2, substituted "Ratepayer" for "Rate Counsel, Department of the Public".

Amended by R.2004 d.281, effective July 19, 2004.

See: 36 N.J.R. 641(a), 36 N.J.R. 3409(a).

Rewrote the section.

Amended by R.2009 d.337, effective November 16, 2009.

See: 41 N.J.R. 2222(a), 41 N.J.R. 4308(c).

Section was "Tariff filings and rate application filings which propose changes in regulated charges". In the introductory paragraph of (a), substituted "Rate" for "Tariff filings or rate" and "schedules of all prices, rates, charges and services," for "tariffs", deleted "so" preceding "to alter any" and commas following the first occurrence of "FCC" and "principles"; in (a)3, substituted "schedule of all prices, rates, charges and services," for "tariff"; in (b)1, (b)2 and (i), substituted "schedule of all prices, rates, terms and conditions" for "tariff"; in (b)1, inserted a comma following the first occurrence of "filing"; in (b)2, substituted "Rate Counsel, Department of the Public Advocate" for "Ratepayer Advocate"; and in (h), substituted "schedules of all prices, rates, terms and conditions" for "tariffs".

Case Notes

Financial disclosures in notice; denial of objections to Board decision to deny cable television rate increase petition. *Teleprompter Cable Communications Corp. v. Bd. of Public Utility Commissioners*, 154 N.J.Super. 1, 380 A.2d 1140 (App.Div.1977).

14:17-6.18 Petitions for approval of a merger or consolidation

(a) Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to the provisions of N.J.S.A. 48:5A-1 et seq., and N.J.A.C. 14:17-4, 6.1 through 6.4 and 6.13, to the extent applicable, and shall contain in the petition, or as attached exhibits, the following information:

1. Copy of agreement of merger or consolidation;
2. Copies of corporate resolutions of the stockholders of each of the corporations authorizing the transaction;
3. Copies of recent balance sheets of each company and a pro forma balance sheet of the continuing company;

4. Copies of recent income statements of the operations of each of the companies involved and a pro forma income statement of the continuing corporation, in sufficient detail;

5. Copies of certificates of incorporation of each corporation to be merged and amendments thereto, if not heretofore filed with the Office;

6. Total number of shares of each of the various classes of capital stock proposed to be issued, if any, by the surviving corporation, the par or stated value per share and the total amount of new capital stock to be issued;

7. The percentage, and the manner in which, if any, the presently outstanding capital stock of the corporations involved, will be exchanged for the new stock of the surviving corporation;

8. Whether any franchise cost is proposed to be capitalized on the books of the surviving corporation. If so, explain the reasons therefor, and in what manner and over what period the items are proposed to be amortized;

9. The names and addresses of the new officers, directors and principal stockholders and the number of shares to be held by each in the surviving corporation;

10. The various benefits to the public and the surviving corporation which will be realized as the result of the merger;

11. Proposed changes, if any, by the surviving corporation, in company policies with respect to finances, operations, accounting, rates, depreciation, operating schedules, maintenance and management, affecting the public interest;

12. Proof of service of notice of the proposed merger to the public, the municipalities being served by the companies to be merged, and the public utilities serving in the area, pursuant to N.J.A.C. 14:17-4.5;

13. Proof of compliance with rules, regulations and statutes requiring approval from other State and Federal regulatory agencies having jurisdiction in the matter; and

14. A statement of the fees and expenses to be incurred in connection with the merger, and the accounting disposition to be made thereof, on the books of the surviving corporation.

Amended by R.1994 d.194, effective April 18, 1994.

See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

Amended by R.2004 d.281, effective July 19, 2004.

See: 36 N.J.R. 641(a), 36 N.J.R. 3409(a).

In (a), deleted "as well as N.J.A.C. 14:11-1.17" in the introductory paragraph and rewrote the first sentence in 8.

Amended by R.2009 d.337, effective November 16, 2009.

See: 41 N.J.R. 2222(a), 41 N.J.R. 4308(c).

In the introductory paragraph of (a), inserted "N.J.S.A. 48:5A-1 et seq., and", substituted a comma for "and N.J.A.C. 14:17-" preceding "6.1" and deleted a comma following "6.4"; and in (a)13, inserted "and" at the end.

14:17-6.19 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents and other writings outside the State of New

Jersey, filed with the Board, as required under N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions of N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through 6.4, to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information: