

**CHAPTER 18**

**REGULATIONS OF CABLE TELEVISION**

**Authority**

N.J.S.A. 48:5A-10.

**Source and Effective Date**

R.2003 d.452, effective October 23, 2003.

See: 35 N.J.R. 100(a), 35 N.J.R. 1047(a), 35 N.J.R. 5294(a).

**Chapter Expiration Date**

Chapter 18, Regulations of Cable Television, expires on December 27, 2006.

**Chapter Historical Note**

Chapter 18, Regulations of Cable Television, was adopted as R.1973 d.117, effective April 27, 1973. See: 5 N.J.R. 54(d), 5 N.J.R. 200(a).

Pursuant to Executive Order No. 66(1978), Subchapter 11, Application by CATV Companies For Municipal Consent, was readopted as R.1983 d.346, effective August 3, 1983, and Subchapter 12, Application For Certificate of Approval, was adopted as new rules and Subchapter 12, Miscellaneous Provisions, was recodified as Subchapter 13, Miscellaneous Provisions, by R.1983 d.346, effective September 6, 1983. See: 15 N.J.R. 874(a), 15 N.J.R. 1483(a).

Subchapter 13, Renewals, was adopted as new rules and Subchapter 13, Miscellaneous Provisions, was recodified as Subchapter 14, Miscellaneous Provisions, by R.1987 d.70, effective January 20, 1987. See: 18 N.J.R. 1181(a), 19 N.J.R. 238(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations of Cable Television, was readopted as R.1990 d.415, effective July 26, 1990, and Subchapter 3, Service, Subchapter 4, Testing of Service, and Subchapter 7, Bills and Payments for Service, were repealed and Subchapter 3, Customer Rights, Subchapter 4, Cable Operator Rights, Subchapter 7, Reports and Filings, and Subchapter 9, Testing of Service, were adopted as new rules by R.1990 d.415, effective August 20, 1990. See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations of Cable Television, was readopted as R.1995 d.313, effective May 25, 1995. See: 27 N.J.R. 873(a), 27 N.J.R. 2430(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Regulations of Cable Television, was readopted as R.2000 d.155, effective March 17, 2000. See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

Chapter 18, Regulations of Cable Television, was readopted as R.2003 d.452, effective October 23, 2003. See: Source and Effective Date. See, also, section annotations.

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**APPENDIX A**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**Law Reviews and Journal Commentaries**

Multiple Channels of Cable Service Refranchising. Robert g. Goode, 148 N.J.L.J. 16 (1992).

**14:18-1.1 Scope of regulations**

(a) These regulations are promulgated in accordance with the authority provided the Office of Cable Television, Board of Public Utilities, under N.J.S.A. 48:5A-1 et seq. to regulate cable television corporations in the public interest.

(b) The purpose and intent of these regulations is to enforce the statutory mandate of the Legislature, which directs the Office of Cable Television, Board of Public Utilities, to promulgate rules and regulations necessary to effect the purposes of the act.

(c) These regulations apply to:

1. Cable television companies which own, control, operate or manage a cable television system;
2. Municipalities, cities and counties where applicable.

(d) These regulations do not limit the duties now imposed upon these companies but merely serve to define such duties and to establish standards for their performance.

Amended by R.1990 d.415, effective August 20, 1990.

See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Added (d).

Amended by R.2000 d.155, effective April 17, 2000.

See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

**Law Review and Journal Commentaries**

Multiple Channels of Cable Service Refranchising. Robert G. Goode, 148 N.J.Law. 16 (Mag.) (Sept./Oct. 1992).

**Case Notes**

Municipal ownership and operation of a cable television system is authorized by the Cable Television Act. Atty.Gen.F.O.1978, No. 5.

**14:18-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Ascertainment” means the formal pre-proposal fact finding process performed by the municipality in lieu of one performed by the Board.

“Board” means the Board of Public Utilities, as defined by N.J.S.A. 48:1-1 et seq.

“Cable communications system” or “cable communications service” means any communications service other than cable television reception service delivered through the facilities of a cable television system and for which charges in addition to or other than those made for cable television reception service are made or proposed to be made.

“Cable home wiring” means the internal wiring contained within the premises of a customer which begins at the demarcation point. Cable home wiring includes passive splitters on the customer’s side of the demarcation point, but does not include any active elements such as amplifiers, converters or decoder boxes or remote control units.

“Cable television company or cable television operator” means any person owning, controlling, operating or managing a cable television system.

“Cable television operator’s proposal” means the cable television operator’s petition to the Board for a Certificate of Approval following completion of municipal consent proceeding.

“Cable television reception service” means the simultaneous delivery through a cable television system of the signals of television broadcast stations to members of the public subscribing to such service, which service may include additional nonbroadcast signals delivered as part of the service with no additional charge.

“Cable television system” means any facility within this State which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one or more television stations and redistributing such signals by wire, cable, microwave transceiver, satellite or other device or means for accomplishing such redistribution to members of the public who subscribe to such service, or distributing through its facility any television signals whether broadcast or not; or any part of such facility. The term “facility” as used in this section includes all real property, antennas, towers, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a cable television company in providing service to its customers.

“Certificate of approval” means a certificate issued, or which may be issued, by the Board upon the recommendation of the Director pursuant to N.J.S.A. 48:5A-1 et seq.

“Class I, Class II, Class III and Class IV cable television channels” means signaling paths as defined in Subpart A, Section 76.5, subsections (t), (u), (v) and (w) respectively, of the FCC rules and regulations adopted on February 2, 1972, as amended.

“Component” means any individually offered service or piece of equipment.

“Customer” means any individual, partnership, firm, corporation, government subdivision or agency receiving service from a cable television company.

“Demarcation point” means:

1. For new and existing single unit installations, a point at or about 12 inches outside where the cable wire enters the customer’s premises;

2. For new and existing multiple dwelling unit installations with non-loop-through wiring configurations, a point at or about 12 inches outside of where the cable wire enters the customer’s dwelling unit, or, where the wire is physically inaccessible at such point, the closest practicable point thereto that does not require access to the individual customer’s dwelling unit; and

3. For new and existing multiple dwelling unit installations with loop-through wiring configurations, a point at or about 12 inches outside of where the cable wire enters or exits the first and last individual dwelling unit on the loop, or, where the wire is physically inaccessible at such point(s), the closest practicable point thereto that does not require access to the individual customer’s dwelling unit.

“Director” means the Director of the Office of Cable Television.

“Distribution plant” is the hardware, wires, electronics, equipment and other instrumentalities which deliver cable television service to the drop line feeding an individual customer’s home.

“FCC” means the Federal Communications Commission.

“Franchising authority” means the State of New Jersey, Board of Public Utilities, Office of Cable Television.

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

“MDU” means multiple dwelling unit.

“MVPD” means multichannel video programming distributor.

“Normal business hours” means those hours during which most similar businesses in the community are open to serve customers. In all cases, “normal business hours” must include some evening hours at least one night per week and/or some weekend hours.

“Normal operating conditions” means those service conditions which are within control of the cable television operator. Those conditions not within the control of the cable television operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within control of the cable television operator, include, but are not limited to, special promotions, pay-per-view events, rate increases, channel and/or service alterations, regular peak or seasonal demand periods, and maintenance or upgrade of the cable television system.

“Office” means the Office of Cable Television established by N.J.S.A. 48:5A-1 et seq.

“Outage” means the total loss of audio or visual portion of any level of cable television service for which the cable television company imposes a separate charge and which affects the cable television company’s distribution plant.

“Person” means any individual or group of individuals or any agency or instrumentality of the State of New Jersey or of any of its political subdivisions; but this definition shall not include a telephone, telegraph or electric utility company regulated by the Board where it merely leases or rents or otherwise provides to a cable television company wires, conduits, cables or pole space used in the redistribution of broadcast signals to or toward customers of such cable television company.

“Physically inaccessible” means a location where access thereto would require significant modification of, or significant damage to, preexisting structural elements, that would add significantly to the physical difficulty and/or cost of accessing the customer’s home wiring.

“Preliminary assessment of denial” means a decision by the Office of Cable Television to schedule a hearing on a Certificate of Approval application pursuant to N.J.S.A. 48:5A-16(b) and 47 U.S.C. § 546(c)(1).

“Preproposal phase” means any proceedings conducted under these rules held prior to a cable television operator’s filing for a renewal of a Certificate of Approval with the Board of Public Utilities.

“Promotional service” means the offering of an existing product, service, group of services or capability at a reduced introductory charge for a limited, specified period of time, usually not exceeding one month, during which the cable television company attempts to encourage new or additional customers to the product service.

“Proposal phase” means any proceedings subsequent to the time under these rules when a petition for renewal of a Certificate of Approval is filed with the Board of Public Utilities.

“Renewal” means formal extension or continuation by the Board of any cable television operator’s franchise beyond the duration specified by the existing Certificate of Approval.

“Request for Proposal” means a duly adopted municipal consent ordinance incorporating all terms and conditions for renewal, including but not limited to, any generally imposed obligations under state statute and regulations.

“Trial service” means the initial offering of a new capability or technology over a cable television system to some or all existing customers in the cable television company’s service area for a limited, specified period of time, not to exceed six months, during which the cable television company assesses the performance or marketability of the new capability or technology, and after which the service is either introduced as a standard offering or discontinued.

Amended by R.1986 d.376, effective September 8, 1986.  
See: 18 N.J.R. 619(a), 18 N.J.R. 1831(a).

Added definitions “distribution plant” and “outage”.  
Amended by R.1987 d.70, effective January 20, 1987.  
See: 18 N.J.R. 1181(a), 19 N.J.R. 238(a).

Added definitions “franchising authority,” “operator’s proposal,” “preliminary assessment of denial,” “preproposal phase,” “renewal” and “request for proposal.”

Amended by R.1990 d.415, effective August 20, 1990.  
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Amended “cable communication system” and “Classes I, II, III, IV cable television channels;” deleted “certificate of compliance.”  
Amended by R.2000 d.155, effective April 17, 2000.  
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

Inserted “Ascertainment”, “Cable television operator’s proposal” and “Hearing impaired individual”; in “Cable television system”, inserted references to microwave transceivers, satellites and towers; deleted “Operator’s proposal”; in “Outage”, substituted “or” for “and” following “audio”; and in “Preproposal phase” and “Renewal”, substituted references to cable television operators for references to operators.  
Amended by R.2003 d.452, effective November 17, 2003.  
See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).

Rewrote the section.

#### Case Notes

Municipal ownership and operation of a cable television system is authorized by the Cable Television Act. Atty.Gen.F.O.1978, No. 5.

## SUBCHAPTER 2. PLANT

### 14:18-2.1 Plant construction

(a) Every cable television company shall construct and install its facilities in accordance with the applicable provisions of the National Electrical Safety Code, and subsequent amendments thereto, the National Electrical Code, and subsequent amendments thereto, as well as all Federal, State, and local laws, and any pole, conduit, or trench licensing agreements with utilities or other managers of rights-of-way.