

CHAPTER 17

RULES OF PRACTICE AND PROCEDURE OF THE
OFFICE OF CABLE TELEVISION

Authority

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

Source and Effective Date

R.2009 d.337, effective October 13, 2009.
See: 41 N.J.R. 2222(a), 41 N.J.R. 4308(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, expires on October 13, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 17, Rules of Practice and Procedure of the Office 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).

Subchapter 18 was adopted as R.1978 d.125, effective April 17, 1978 (to expire April 17, 1981). See: 10 N.J.R. 124(a), 10 N.J.R. 207(a).

Subchapter 18 was repealed and Subchapter 18, CATV Rate Regulation Under a Common Tariff, was adopted as new rules by R.1983 d.435, effective October 3, 1983. See: 15 N.J.R. 1356(a), 15 N.J.R. 1673(a).

Public Notice. See: 16 N.J.R. 2849(b).

Pursuant to Executive Order No. 66(1978), Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, was readopted as R.1989 d.266, effective April 24, 1989. See: 21 N.J.R. 440(a), 21 N.J.R. 1374(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, was readopted as R.1994 d.194, effective March 21, 1994, and Subchapter 3, Appearance and Practice Before the Board or Office, was repealed, Subchapter 3, Appearance and Practice Before the Board or Office was adopted as new rules, Subchapter 4, Parties, was repealed, Subchapter 4, Pleadings, was adopted as new rules, Subchapter 5, Pleadings Generally, was repealed, Subchapter 7, Complaint Procedure, was repealed, Subchapter 8, Answers and Replies, was recodified as Subchapter 7, Subchapter 8, Conferences, Subchapter 9, Contested Case Hearings and Subchapter 10, Uncontested Case Proceedings, were adopted as new rules, Subchapter 9, Motions and Subchapter 10, Intervention, were repealed, Subchapter 11, Hearing Examiners, Subchapter 12, Hearings, Subchapter 13, Conferences, Subchapter 14, Reopening of Hearings, Subchapter 15, Rehearing, Reargument or Reconsideration and Subchapter 16, Briefs, were repealed, Subchapter 17, Compliance with Orders, Decisions and Recommendations, was recodified as Subchapter 11, and Subchapter 18, CATV Rate Regulation Under a Common Tariff, was repealed by R.1994 d.194, effective April 19, 1994. See: 26 N.J.R. 96(a), 26 N.J.R. 1683(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, was readopted as R.1999 d.108, effective March 5, 1999. See: 30 N.J.R. 4131(a), 31 N.J.R. 898(a).

Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, was readopted as R.2004 d.281, effective June 24, 2004. See: 36 N.J.R. 641(a), 36 N.J.R. 3409(a).

Chapter 17, Rules of Practice and Procedure of the Office of Cable Television, was readopted as R.2009 d.337, effective October 13, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS**Law Review and Journal Commentaries**

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

14:17-1.1 Scope

These rules shall govern practice and procedure before the Office of Cable Television and within the Board of Public Utilities.

Amended by R.1989 d.266, effective May 15, 1989.
See: 21 N.J.R. 440(a), 21 N.J.R. 1374(a).

Contested case hearing provisions added.
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).

Substituted "Public Utilities" for "Regulatory Commissioners".

14:17-1.2 Construction and amendment

(a) These rules shall be liberally construed to permit the Office to effectively carry out its statutory functions and to secure just and expeditious determination of issues properly presented to the Office.

(b) In special cases and for good cause shown, the Office with the concurrence of the Board may relax or permit deviations from these rules.

1. The Office, with the concurrence of the Board, shall, in accordance with the general purposes and intent of its rules, waive section(s) of its rules if full compliance with the rule(s) would adversely affect the customers of a cable television company, the ability of said cable television company to render safe, adequate and proper service, or the interests of the general public;

2. Any person or entity seeking waiver of any of the Office's rules or parts thereof, shall apply in writing to the Director. A written request for waiver shall include the following:

- i. The specific rule(s) or part(s) thereof for which waiver is requested;
- ii. The reasons for the request of waiver, including a full statement setting forth the type and degree of hardship or inconvenience that would result if full compliance with the rule(s) would be required; and
- iii. Documentation to support the request for waiver.

3. The Office reserves the right to request additional information before reaching a determination regarding the application for waiver.

(c) The rules may be amended by the Office with the approval of the Board, from time to time.

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).

In (b), added 1, 2, and 3.

14:17-1.3 Definitions

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

"Board" means the Board of Public Utilities.

"Certificate" means a certificate of approval issued by the Board pursuant to the provisions of N.J.S.A. 48:5A-1 et seq.

"Commissioner" means a member of the Board of Public Utilities.

"Director" means the Director of the Office of Cable Television.

"Office" means the Office of Cable Television.

"Presiding Officer" means any member of the Board, the Director, or an Office staff member who is designated as a hearing examiner in an uncontested case.