

all cable television companies serving a municipality, both system-wide franchises and municipal-consent-ordinance-based franchisees, that it has approved the certification of the cable television company.

(c) A cable television company that has received municipal consent and a Certificate of Approval from the Board shall continue to annually pay to the municipality a fee in lieu of all other franchise taxes and municipal fees a sum equal to two percent of gross revenues from all recurring charges in the nature of subscription fees from cable television reception service until such time as the Board approves the certification by a cable television company operating under a system-wide franchise serving the same municipality that it is capable of serving 60 percent or more of the households in the municipality.

(d) Upon Board approval of a certification that a cable television company operating under a system-wide franchise is capable of serving 60 percent or more of the households in the same municipality as the cable television company with municipal consent, the cable television company operating under a municipal-consent-ordinance-based franchise shall pay fees to the municipality and the State Treasurer in accordance with (a)1 and 2 above. The cable television company shall begin collection and payment of the fees specified in (a)1 and 2 above no later than 90 days after the date of the Board order approving the certification.

(e) If, during the 45-day review period, the Board determines to disapprove the certification, the Board shall, or may designate Board staff to, schedule a meeting with the cable television company operating under a system-wide franchise to discuss the reasons for the Board's disapproval and to allow the cable television company operating under a system-wide franchise to present questions to the Board or its designated staff concerning the reasons for the Board's disapproval.

(f) Such meeting shall be scheduled no later than two weeks following the expiration of the 45-day review period required by (e) above.

(g) The cable television company operating under a system-wide franchise shall have 30 days following the date of the meeting with the Board or its designated staff required by (f) above to file an appeal of the Board's decision.

(h) Subsequent to filing of an appeal by the cable television company operating under a system-wide franchise, the Board shall thereafter schedule an administrative hearing not later than 30 days following the date of the filing of the appeal by the cable television company operating under a system-wide franchise.

(i) The Board shall issue a final decision on the appeal filed by the cable television company operating under a system-wide franchise not later than 60 days following the administrative hearing required by this section.

Amended by R.2008 d.265, effective September 2, 2008.

See: 40 N.J.R. 1622(a), 40 N.J.R. 5052(a).

Rewrote (b)2; and in (d), inserted the last sentence.

## SUBCHAPTER 16. MISCELLANEOUS PROVISIONS

### 14:18-16.1 Regulations not retroactive

The foregoing regulations shall not be construed to be retroactive with respect to the construction of facilities.

Recodified from N.J.A.C. 14:18-14.1 by R.2007 d.154, effective May 7, 2007.

See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

### 14:18-16.2 Deviation and modification

(a) Should conditions exist where a deviation from any of these regulations should be made to suit such conditions, petition may be made to the Office for such deviation.

(b) These regulations may be amended or modified by the Office from time to time upon due notice and in accordance with applicable statutes.

Recodified from N.J.A.C. 14:18-14.2 by R.2007 d.154, effective May 7, 2007.

See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

### 14:18-16.3 Schedules of prices, rates, terms and conditions

(a) Where these rules are in conflict with any terms and conditions contained in any cable television company's schedule of prices, rates, terms and conditions, these rules shall govern, unless otherwise authorized by the Office with the approval of the Board.

(b) A cable television company's schedule of prices, rates, terms and conditions shall not be construed to be in conflict with these rules if said schedule of prices, rates, terms and conditions, provides for more beneficial treatment of customers than that provided for in these rules.

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

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

In (b), substituted a reference to beneficial treatment for a reference to liberal treatment.

Amended by R.2003 d.452, effective November 17, 2003.

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

In (b), substituted "customers" for "subscriber".

Recodified from N.J.A.C. 14:18-14.3 and amended by R.2007 d.154, effective May 7, 2007.

See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

Section was "Tariffs". Substituted "rules" for "regulations" and "schedule of prices, rates, terms and conditions," for "tariff" throughout the section.

### 14:18-16.4 Discrimination in rates

(a) No cable television company shall impose any excessive, unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, charge or schedule for any service supplied or rendered by the cable television company.

(b) No cable television company shall adopt any unjust, unreasonable or discriminatory classification in the making or as the basis of any individual or joint rate, charge or schedule for any service supplied or rendered by the cable television company.

Amended by R.2000 d.155, effective April 17, 2000.  
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).  
Recodified from N.J.A.C. 14:18-14.4 by R.2007 d.154, effective May 7, 2007.  
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

#### 14:18-16.5 Authority

These regulations are made and promulgated pursuant to authority vested in the Office and Board by N.J.S.A. 48:5A-1 et seq. and shall be construed in conformity with, and not in derogation of, such statute.

Repeal and New Rule, R.1987 d.367, effective September 8, 1987.  
See: 19 N.J.R. 505(a), 19 N.J.R. 1651(a).  
Section was "Notice of rate change".  
Recodified from N.J.A.C. 14:18-14.7 by R.1990 d.415, effective August 20, 1990.  
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).  
Prior rule "Authority" was codified at N.J.A.C. 14:18-14.7.  
Recodified from N.J.A.C. 14:18-14.5 by R.2007 d.154, effective May 7, 2007.  
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

#### 14:18-16.6 Prior regulations

Except as otherwise provided herein, rules, regulations and standards heretofore promulgated with respect to the subject matter encompassed by these regulations are hereby superseded and revoked.

Repeal and New Rule, R.1987 d.367, effective September 8, 1987.  
See: 19 N.J.R. 505(a), 19 N.J.R. 1651(a).  
Section was "Notice of alteration in channel allocation".  
Recodified from N.J.A.C. 14:18-14.8 by R.1990 d.415, effective August 20, 1990.  
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).  
Prior rule "Prior regulations" was codified at N.J.A.C. 14:18-14.8.  
Recodified from N.J.A.C. 14:18-14.6 by R.2007 d.154, effective May 7, 2007.  
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

#### 14:18-16.7 Effective competition

(a) Upon a finding by the Board that the Federal Communications Commission has decertified rate regulation for any cable television system, pursuant to 47 CFR 76.905, on a final finding of effective competition, after April 17, 2000, the following provisions may no longer apply to that system:

1. N.J.A.C. 14:18-3.8, Method of billing, provided that the cable television company provides a sample bill to be utilized in lieu of compliance with this section for approval by the Office;
2. N.J.A.C. 14:18-3.15 Trial services at subsection (b);
3. N.J.A.C. 14:18-3.17 Notice of alteration in channel allocation;

4. N.J.A.C. 14:18-3.20 Discounts for senior and disabled citizens at paragraphs (a)2 and 3;
5. N.J.A.C. 14:18-3.22 Notice of planned interruptions;
6. N.J.A.C. 14:18-3.23, Reimbursement for lost, stolen or damaged equipment;
7. N.J.A.C. 14:18-6.6, Complaint records;
8. N.J.A.C. 14:18-7.4, Notification of system rebuilds, upgrades, hub and headend relocations; and
9. N.J.A.C. 14:18-7.6, Telephone system information.

(b) A cable television company receiving relief from the Board under (a) above shall, upon request of the Office, provide information regarding any area of relief, in accordance with N.J.A.C. 14:18-7.2.

New Rule, R.2000 d.155, effective April 17, 2000.  
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).  
Amended by R.2003 d.452, effective November 17, 2003.  
See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).  
In (a), substituted "§ 76.905" for "§ 76.915" in the introductory paragraph and deleted 8 and 9.  
Recodified from N.J.A.C. 14:18-14.7 by R.2007 d.154, effective May 7, 2007.  
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).  
Amended by R.2008 d.265, effective September 2, 2008.  
See: 40 N.J.R. 1622(a), 40 N.J.R. 5052(a).  
In the introductory paragraph of (a), substituted "CFR" for "CFR §"; added new (a)1; recodified former (a)1 as new (a)2; deleted former (a)2; in (a)6, deleted "and" from the end; added new (a)7; recodified former (a)7 as (a)8; in (a)8, substituted "; and" for a period at the end; and added (a)9 and (b).

## APPENDIX A

### LIST OF FORMS

- Form CATV-1
- Form CATV-2
- Form F99
- Channel Allocation Form
- Cable Facts Questionnaire
- Line Extension Policy Form
- Outage Form
- Accident/Injury Form

New Rule R.1990 d.415, effective August 20, 1990.  
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(a).  
Amended by R.2000 d.155, effective April 17, 2000.  
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).  
Substituted a reference to Application for Cable Television Franchise for a reference to Form 100, and added a reference to **Outage Form and Accident/Injury Form**.  
Amended by R.2007 d.154, effective May 7, 2007.  
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).  
Deleted "Application for Cable Television Franchise".