

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and Subchapter 3, Service, Subchapter 4, Testing of Service, and Subchapter 7, Bills and Payments for Service, were repealed and Subchapter 3, Customer Rights, Subchapter 4, Cable Operator Rights, Subchapter 7, Reports and Filings, and Subchapter 9, Testing of Service, were adopted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

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.

(b) If an MDU owner finds that there is insufficient space in existing molding to permit the installation of the new wiring without interfering with the ability of an existing franchised cable television operator to provide service, but gives its affirmative consent to the installation of larger molding and additional wiring, the MDU owner (with or without the assistance of the incumbent and/or the alternative provider) shall be permitted to remove the existing molding, return such molding to the incumbent, if appropriate, and install additional wiring and larger molding in order to contain the additional wiring. This subsection shall not apply where the incumbent franchised cable television operator possesses a contractual right to maintain its molding on the premises without alteration by the MDU owner.

(c) The alternative provider shall be required to pay any and all installation costs associated with the implementation of (a) or (b) above, including the costs of restoring the MDU owner's property to its original condition, and the costs of repairing any damage to the incumbent franchised cable television operator's wiring or other property.

New Rule, R.2003 d.452, effective November 17, 2003.
See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).

SUBCHAPTER 5. OFFICES

14:18-5.1 Location and closing

(a) Each cable television company shall maintain, in or within reasonable proximity of its service area, a local business office, the current location of which shall be furnished to the Office where applications for service, complaints, service inquiries, bill payments, and so forth will be received.

(b) Each cable television company shall furnish the Office with the current location of its offices where maps and records showing the various services areas and facilities are available to supply, upon reasonable request, information to customers, governmental bodies, utilities, other cable television companies and contractors.

(c) At least 60 days prior to the closing or relocation of an office described in (a) or (b) above, a cable television company shall file a petition for approval with the Board demonstrating such closure or relocation is not unreasonable, will not unduly prejudice the public interest, and setting forth the means upon Board approval of the petition, by which customers and other interested parties will be adequately notified of the closing or relocation and alternatives available in the case of a closed office. The cable television company shall simultaneously notify its customers and the clerk of each affected municipality of the pending application for permission to relocate or close the subject office by means of posting notice at the office location and, within three days of filing the petition, by placing notice of

the office closing or relocation in the newspaper(s) serving the affected area. Said notice shall inform customers of the Office's toll free number and their right to present to the Board, in writing, any objections they may have to the office closure or relocation. The notice shall specify a date certain for submission of comments which date shall not be less than 20 or more than 30 days after publication and posting. Such office shall not be closed or relocated until the cable television company has been informed, in writing, that the Board has approved such request.

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

Added (c).

Amended by R.1991 d.82, effective February 19, 1991.
See: 22 N.J.R. 2894(a), 23 N.J.R. 616(a).

Required cable TV companies to apply to the Board for permission to close or relocate an office.

Amended by R.2000 d.155, effective April 17, 2000.
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

In (c), substituted a reference to cable television companies for a reference to utilities in the last sentence.

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 "subscribers"; in (c), inserted "the Office's toll free number and" in the third sentence; deleted (d).

14:18-5.2 Personnel to be contacted

(a) Each cable television company shall furnish to the Office and keep current a list of names, addresses and telephone numbers of responsible officials to be contacted in connection with routine matters during normal working hours.

(b) Each cable television company shall also furnish to the Office and keep current a list of names, addresses and telephone numbers of responsible officials who may be contacted in event of emergency during other than normal work-hours.

Amended by R.2000 d.155, effective April 17, 2000.
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

SUBCHAPTER 6. RECORDS

14:18-6.1 Availability of records

(a) Each cable television company shall notify the Office, upon request, of the location of its office or offices within the State at which various records may be made accessible for review by Office staff within five days of request.

(b) These records shall be open for examination by the Office's representatives.

Amended by R.2000 d.155, effective April 17, 2000.
See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

Rewrote (a).

14:18-6.2 Plant and operating records

(a) Each cable television company shall maintain adequate maps or records reflecting the latest available information and data concerning the size, type, location and date of construction and installation of its major units of property.

(b) Each local business office shall maintain copies of filings required by the FCC related to the operation of that particular system.

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

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

Added (c).

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

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

Deleted a former (b); and recodified former (c) as (b).

14:18-6.3 Accidents or injury to personnel.

Each cable television company shall keep a record of, and report to the Office, all serious accidents resulting in injury or death to personnel involving the operation or maintenance of its system on forms prescribed and furnished by the Office in addition to providing a detailed narrative explaining the cause of the accident resulting in injury or death, any corrective action taken, as well as copies of police reports generated as a result of the accident resulting in injury or death.

Recodified from 14:18-6.4 by R.1990 d.415, effective August 20, 1990.

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

Prior text at section, "Periodic reports," repealed.

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

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

Rewrote the section.

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

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

Substituted references to accidents resulting in injury or death for accident or injury throughout.

14:18-6.4 Public records

(a) The fee for copies of records, instruments and documents of the Board shall be the fee established pursuant to N.J.S.A. 47:1A-2.

(b) All records which are required to be made, maintained or kept by and for the Office which relate to accidents and investigation of accidents (provided such investigations have been completed) concerning cable television companies and to performance tests, safety inspections and surveys of property and equipment of cable television companies shall be deemed public records, copies of which may be purchased or reproduced under the provisions of N.J.S.A. 47:1A-2.

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

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

Recodified from 14:18-6.5. Deleted (c).

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

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

Changed N.J.A.C. references throughout.

14:18-6.5 Complaints records

Each cable television company shall keep for a period of one year, a record of complaints in regard to service received at its office or offices, which shall include the name and address of the customer, the date, the nature of complaint, the test conducted and corrective action taken if required, and the final disposition. The record shall be available for inspection by the Office staff. Copies of such record shall be provided to the Office staff upon request.

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).

Added the last sentence.

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

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

Substituted "customer" for "subscriber".

14:18-6.6 Reporting and records of interruptions and outages

(a) All outages where service to customers is interrupted for at least two hours and which affect 50 or more customers shall be reported by each cable television company to the Office on a form prescribed by the Director.

1. Such reports shall be collected and forwarded to the Office monthly within 15 days of the end of the month for which said report is filed.

2. Cable television companies must report to the Office by telephone during the course of the outage all outages which exceed one hour in length and affect more than 500 customers.

(b) Records of outages shall be kept in a manner suitable for analysis for the purpose of minimizing possible future interruptions and shall include the time, cause and duration of the interruptions as well as the remedial action taken.

(c) Each cable television company shall keep a record of each outage for a period of one year showing location, duration and estimated number of customers affected.

(d) Each cable television company shall notify the appropriate Office personnel by telephone in the event of an outage, emergency or other significant occurrence affecting its system or personnel during other than normal work-hours. Notification shall be in accordance with the procedure established by the Office, as provided to each cable television company which provides that each cable television operator speak directly with a representative of the Office in the event of an interruption of service that lasts four hours or more, that affects 50 percent of customers where the system serves less than 20,000 customers, or affects 10,000 or more customers where the system serves 20,000 customers or more, or in the event of serious injury resulting in hospitalization or death to any person as a result of the cable television company's operations.

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).
 Amended by R.2003 d.452, effective November 17, 2003.
 See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).
 Substituted "customers" for "subscribers" throughout; added (d).

SUBCHAPTER 7. REPORTS AND FILINGS

14:18-7.1 Periodic reports

(a) Each certified cable television company shall file with the Office a Cable Facts Questionnaire as listed in Appendix A of this Chapter, no later than March 1st of each year.

(b) Each cable television company shall file with the Office on or before March 31 of each year a summary of its finances and operations for the preceding calendar year on forms prescribed and furnished by the Office.

(c) Other periodic reports shall be filed on or before the due date noted on the report form or as otherwise required by law.

Amended by R.2000 d.155, effective April 17, 2000.
 See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

14:18-7.2 Special reports

In special instances, cable television companies may be required to submit reports quarterly, monthly or at any other interval as directed by the Board or Office.

Amended by R.2003 d.452, effective November 17, 2003.
 See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).
 Deleted (b).

14:18-7.3 Other filings

(a) All cable television companies shall provide to the Office upon request copies of any executed pole attachment agreements and amendments thereto.

(b) Each cable television company shall file with the Board, and keep open to public inspection, tariffs applicable to the services available, pursuant to the provisions of N.J.S.A. 48:5A-1 et seq., as applicable, with revised sheets to reflect any changes.

(c) Each cable television company shall file with the Office of Cable Television within five business days upon request, a copy of any FCC document required to be kept locally by N.J.A.C. 14:18-6.2 (b).

Amended by R.2000 d.155, effective April 17, 2000.
 See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).
 Rewrote the section.

14:18-7.4 Notification of system rebuilds, upgrades, hub and headend relocations

(a) A cable television company shall provide at least 30 days' written notification to the Office prior to any system rebuild, upgrade, headend or hub relocation, and/or significant changes in system design as described in the cable television company's initial filing for certificate of approval or renewal thereof.

1. Notice of significant system design changes shall be accompanied by the cable television company's last proof-of-performance tests, as well as new theoretical system performance specifications.

2. Notice of headend or hub relocation shall include new signal surveys for off-air channels and other appropriate satellite or microwave surveys.

Amended by R.2000 d.155, effective April 17, 2000.
 See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

In (a), substituted a reference to cable television companies for reference to companies in the introductory paragraph, and rewrote 1.

14:18-7.5 Written procedures for use of public, educational and governmental access channels

(a) All cable television operators which have managerial or operational control over an access channel shall develop written guidelines concerning the use of channel capacity designated as public, educational and/or governmental access channels. These guidelines shall contain information on the following:

1. The designation of and restrictions upon any channels available for such use;

2. The number of channels available for such use and the normal hours of operation of each channel;

3. The municipalities served by each channel;

4. The procedure by which persons arrange to use each channel;

5. The cost, if any, for use of each channel;

6. The method by which persons deliver programs for insertion on channel;

7. The studio and production equipment available, including costs and restrictions on use;

8. The method by which persons arrange to use any available studio or production equipment;

9. The training which is available in use of any studio or production equipment;

10. A written agreement between user groups, cable television operators, and companies which states the rights and responsibilities of each; and

11. A specified contact person to see that interested parties are accommodated.

(b) Each cable television operator who has managerial or operational control over an access channel shall keep a record of all users of access channels available for public inspection at the local business office of the cable television operator. This record shall contain the names, addresses, and telephone numbers of access users, and shall be kept for a period of one year.

(c) A cable television operator who has managerial or operational control over an access channel shall provide a copy of the revision to the OCTV and the municipality within 30 days of any revision to the procedural rules for the use of a channel. All parties affected by the revision shall be provided immediate written notice by the cable television operator.

(d) A prominent notice of the availability of these guidelines shall be posted and the guidelines shall be available for public inspection at local business offices and studios in the cable system.

(e) For any access not within the cable television operator's control or management, each cable television operator shall maintain a listing of the person or entity having such control and management authority.

New Rule: R.1991 d.83, effective February 19, 1991.

See: 22 N.J.R. 2894(b), 23 N.J.R. 618(a).

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

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

In (a)2, added "and the normal hours of operation or each channel" at the end; in (a)10 and (c), substituted references to cable television operators for references to operators; and in (b), substituted a reference to one year for a reference to two years at the end.

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

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

Rewrote (d).

14:18-7.6 Telephone system information

(a) Each cable television operator shall provide the Office of Cable Television the following information concerning the operation of the cable television company's telephone system:

1. The location of each office at which telephone calls from customers and the general public are normally received and the number of customers served by the office;
2. The days of the week and the hours in which an office is open to conduct business with the public and receive telephone calls;
3. The telephone numbers by which customers may call the cable television operator;
4. The method by which customers are informed of the telephone number(s) used to contact the cable television operator;
5. Whether customers are requested to dial a single telephone or separate numbers depending on the nature of their inquiry;
6. Whether inward telephone traffic is grouped to individual departments (that is, service, billing, etc.), along with the total number of such departments and the identification of each department;

7. The total number of inward telephone trunk lines assigned to each telephone number used by the cable television operator;

8. A brief description of the type of telephone system used in the office and the manufacturer and model number of any equipment used.

9. Whether the office has an on-premises private branch exchange (PBX) or other private switching device and whether the device handles all telephone traffic for the office;

10. The total number of functional lines on the line side (telephone extension/CSR side) of the PBX or other private switching device and, if segregated by department, the number of functional lines assigned to each department;

11. The total number of customer service representatives (CSRs) normally available to answer calls. If CSRs are segregated by department, the total number of CSRs available for each department;

12. If the assignment of CSRs varies by hour, day or other time period, the cable television operator shall describe the variation in the assignment;

13. A brief description of the initial and ongoing training provided to the CSRs;

14. A brief description of the billing cycle including dates on which bills are mailed;

15. Whether the CSRs have access to computer terminals for billing or service information and, if so, a brief description of the information available to the CSR;

16. Whether the telephone system serving the office has automated call distribution capability for the entire office or for specific departments. If so, the cable television operator shall supply a brief description on the method of call distribution;

17. Whether the telephone system places incoming calls in queue, and the maximum number of callers that can be placed in queue;

18. Whether the telephone system has an Automated Response Unit (ARU) and a description of the routing options available to callers through the ARU;

19. Whether the telephone system provides recorded messages to callers and a description of the messages provided;

20. Whether telephone answering machines or devices are used, the hours which they are used, the departments in which they are used and the time it takes, typically, on average, and in the worst case to return the call to the customer; and