

4. Citations from the Cable Television Act and New Jersey Administrative Code, specifically N.J.S.A. 48:5A-49 and N.J.S.A. 48:5A-51, and N.J.A.C. 14:18-4.5;

5. A general description of the proposed method of installation;

6. Notice that the amount of \$1.00 in consideration for the access granted pursuant to the Cable Television Act will be tendered when an agreement is signed.

(c) If no response to the notice is forthcoming within 30 days, the cable television operator has a statutory right and a franchise obligation to provide cable television service. In order to enforce this right and satisfy said obligation, a cable television company must apply for an administrative approval for access. To apply, said company must submit to the Board of Public Utilities, copies of its notice and a specific description of the proposed method of installation.

1. If a response is received pursuant to (b) above and an agreement for access is not reached within 45 days of said response, the cable television operator may apply to the Director for approval to install its cable television facilities. At such time the Director will either recommend to the Board that such an administrative order issue or alternatively deem such matter contested. In the event of the latter, the matter shall be handled in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the rules of the Office of Administrative Law, N.J.A.C. 1:1.

(d) Upon notice served pursuant to (b) above, except when such notice does not apply to multi-family properties currently receiving cable television service, fee owners may apply to the Office of Cable Television for just compensation. The owner has the burden of proof to clearly demonstrate:

1. The value of the applicant's property before the installation of cable television facilities;

2. The value of the applicant's property subsequent to the installation of cable television facilities;

3. The criteria, data, method or methods used to determine such values;

4. Out of pocket costs directly attributed to the installation and presence of cable television facilities in the multi-unit dwelling;

5. Any extraordinary costs to be borne by the applicant associated with the installation and presence of cable television facilities.

(e) The Director may, upon good cause shown, permit the filing of additional information to supplement the application. Copies of the application filed with the Office of Cable Television shall be served upon the cable television company in compliance with N.J.A.C. 14:17-6. Answers, if any, shall be filed within 20 days in compliance with N.J.A.C. 14:17-7.

If said filing is limited to an application for compensation, the Director may permit the installation of cable television facilities provided that all issues relating to indemnification and protection of property have been satisfied.

(f) The Director shall determine whether an application filed consistent with (d) above establishes a contested case for compensation pursuant to (d). In such an event the matter shall be handled in accordance with the Administrative Procedure Act, N.J.A.C. 52:14B-1 et seq., and the rules of the Office of Administrative Law, N.J.A.C. 1:1-1.1 et seq.

(g) All executed access agreements must be available for inspection by the Office of Cable Television.

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), rewrote the last sentence of the introductory paragraph; in (c), substituted a reference to cable television companies for a reference to companies in the introductory paragraph; in (e), changed N.J.A.C. references throughout; and rewrote (g).
Amended by R.2003 d.452, effective November 17, 2003.
See: 35 N.J.R. 100(a), 35 N.J.R. 5294(a).

Case Notes

Access rights section of the Cable Television Act required payment of just compensation to building owners by cable television companies for rights of access and installation. *NYT Cable TV v. Homestead at Mansfield, Inc.*, 111 N.J. 21, 543 A.2d 10 (1988).

Requirement under Board of Public Utilities rule that cable operator who desires to install cable must supply property owner with general description of proposed cable installation adequately describes taking involved to satisfy requirements of due process. *NYT Cable TV v. Homestead At Mansfield, Inc.*, 214 N.J. Super. 148, 518 A.2d 748 (A.D.1986), certification granted 107 N.J. 154, 526 A.2d 213, affirmed 111 N.J. 21, 543 A.2d 10.

Board of Public Utilities' rule regarding just compensation for taking needed for installation of cable television service provides for adequate notice by notice to fee holder notwithstanding claims of interests of tenants, owners of easements and holders of liens. *NYT Cable TV v. Homestead At Mansfield, Inc.*, 214 N.J. Super. 148, 518 A.2d 748 (A.D.1986), certification granted 107 N.J. 154, 526 A.2d 213, affirmed 111 N.J. 21, 543 A.2d 10.

Board of Public Utilities rule regarding just compensation for taking needed for installation of cable television service required that compensation be based on difference between fair market value of property before and after taking. *NYT Cable TV v. Homestead At Mansfield, Inc.*, 214 N.J. Super. 148, 518 A.2d 748 (A.D.1986), certification granted 107 N.J. 154, 526 A.2d 213, affirmed 111 N.J. 21, 543 A.2d 10.

14:18-4.6 Deposits to insure credit

(a) Where the credit of a customer is not established or where a customer is in default in the payment of bills, the cable television company may require a reasonable deposit as a condition of supplying service or continuing service.

(b) The credit established, by whatever method, shall apply at any location within the area of the cable television company furnishing the service; that is, service is not to be regarded as restricted to a particular location.

(c) The amount of a deposit shall be reasonably related to the charge for service during a billing period, provided such period does not exceed two months.

(d) In all cases where bills are rendered quarterly, semi-annually or annually, the amount of deposit shall not exceed the estimated average charge for service during any two months of the billing period.

(e) In determining the amount of any deposit, there shall be excluded from the average bill such portion thereof, if any, for which payment is received in advance.

(f) Simple interest, at the prevailing rate determined pursuant to N.J.A.C. 14:18-3.19, shall be paid by the cable television company on all credit deposits held by it, provided the deposit has remained with the cable television company for at least six months. Moneys collected as deposits, pursuant to this section, shall be held in a separate account and shall not be used for any purpose other than the maintenance of customer accounts.

(g) Where a customer is in default in the payment of bills, service shall not be discontinued for failure to make such deposit except after proper notice, in accordance with N.J.A.C. 14:18-3.9(b).

(h) If a customer who has made a deposit fails to pay a bill, the cable television company may apply such deposit insofar as is necessary to liquidate the bill and may require that the deposit be restored to its original amount.

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

In (f), substituted a reference to cable television companies for a reference to companies.

Public Notice: Interest rates on deposits.

See: 33 N.J.R. 136(a).

Public Notice: Interest rates on deposits.

See: 33 N.J.R. 333(a).

Public Notice: Interest rates on deposits.

See: 33 N.J.R. 734(b).

Public Notice: Interest rates on deposits.

See: 33 N.J.R. 4396(a).

Public Notice: Interest rates on deposits.

See: 34 N.J.R. 4478(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 "customer" for "subscriber" throughout.

Public Notice: Notice of Applicable Interest Rate on Customer Deposits Effective for Calendar Year 2004.

See: 35 N.J.R. 5623(b).

Public Notice: Notice of applicable interest rate on customer deposits; effective for calendar year 2006.

See: 37 N.J.R. 4329(a).

14:18-4.7 Deposits on auxiliary equipment

(a) When a cable television company supplies auxiliary equipment, such as a converter or other modifying device, to a customer's cable television receiving facility, the cable television company may require the payment of a reasonable deposit thereon, provided, however, that said deposit shall not exceed the replacement cost of the unit(s).

(b) The simple interest provision of N.J.A.C. 14:18-4.6 shall apply to auxiliary equipment deposits. However, moneys collected as deposits pursuant to this section may be used by the cable television company to defray the cost of and service to such unit(s).

(c) If the cable television company is required to replace or repair the unit(s) because of customer abuse, the cable television company may apply such deposit insofar as is necessary and may require that the deposit be restored to its original amount.

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 companies.

Public Notice: Interest rates on deposits.

See: 33 N.J.R. 136(a).

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Substituted references to customer for subscriber throughout.

Public Notice: Notice of Applicable Interest Rate on Customer Deposits Effective for Calendar Year 2004.

See: 35 N.J.R. 5623(b).

Public Notice: Notice of applicable interest rate on customer deposits; effective for calendar year 2006.

See: 37 N.J.R. 4329(a).

14:18-4.8 Receipts and records

(a) The cable television company shall furnish a receipt to each customer who has made a deposit.

(b) Where return of the deposit is made in cash, surrender of the receipt or, in lieu thereof, proof of identity may be required.

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).

In (a), substituted "customer" for "subscriber".

14:18-4.9 Return of deposits

(a) Upon closing any account, the balance of any deposit remaining after the closing bill for service has been settled shall be returned promptly to the depositor with interest due.

(b) With reference to N.J.A.C. 14:18-4.6, Deposits to insure credit, each cable television company shall review a customer's account at least once every two years, and if such review indicates that the customer has established credit satisfactory to the cable television company, then the outstanding deposit shall be refunded to the customer.