

(d) Any terms not defined by (a) above shall be interpreted in a manner consistent with established Board policies and orders.

(e) The Board shall from time to time, designate those utility account numbers which are appropriate sources of data.

Emergency New Rule, R.1985 d.323, effective May 30, 1985 (expires July 29, 1985).

See: 17 N.J.R. 1589(b).

Readopted New Rule, R.1985 d.425, effective July 29, 1985.

See: 17 N.J.R. 1589(b), 17 N.J.R. 2047(b).

Amended subsections (c) and (e).

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

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

Inserted references to third party attachers throughout.

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), inserted "or similar third party" following "television" in the introductory paragraph and inserted "space" following "Total common" in 6.

14:18-2.11 Calculation of duct and conduit rent

(a) The following formula shall apply to joint use of conduit by cable television operators and telecommunications carriers:

$$\begin{aligned} \text{Maximum Rate per Linear ft./m. simplified as:} &= \left[\frac{1}{\text{Number of Ducts}} \times \frac{1 \text{ Duct}}{\text{No. of Inner Ducts}} \right] \times \left[\frac{\text{No. of Ducts} \times \text{Net Conduit Investment}}{\text{System Duct Length (ft./m)}} \right] \times \text{Carrying Charge Rate} \\ & \text{(Percentage of Conduit Capacity)} \qquad \qquad \qquad \text{(Net Linear Cost of a Conduit)} \\ \text{Maximum Rate Per Linear ft./m.} &= \frac{1 \text{ Duct}}{\text{No. of Inner Ducts}} \times \frac{\text{Net Conduit Investment}}{\text{System Duct Length (ft./m.)}} \times \text{Carrying Charge Rate} \end{aligned}$$

If no inner-duct is installed the fraction, "1 Duct divided by the No. of Inner-Ducts" is presumed to be 1/2.

New Rule, R.2003 d.452, effective November 17, 2003.

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

14:18-2.12 Imputation of rates; modification costs

(a) A company that engages in the provision of cable television or telecommunications services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an equal amount to the pole attachment rate for which such company would be liable.

(b) The costs of modifying a pole, conduit, duct or right-of-way facility shall be borne by all parties that obtain access to the facility as a result of the modification and by all parties that directly benefit from the modification. Each such party shall share proportionately in the cost of the modification. A party with a preexisting attachment to the modified facility shall be deemed to directly benefit from a modification if, after receiving notification of the modification, it adds to or modifies its attachment. However, a party with a preexisting attachment to a pole, conduit, duct or right-of-way facility shall not be required to bear any cost of rearranging or replacing its attachment if such rearrangement or replacement is necessitated solely as a result of an additional attachment or of the modification of an existing attachment sought by another party. If a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of

14:18-2.10 Rate changes and disputes

(a) In the event of a dispute over pole attachment or conduit rental rates, any party to a pole attachment agreement under N.J.A.C. 14:18-2.9 or conduit rental under N.J.A.C. 14:18-2.11 may petition the Board for a resolution of such dispute by filing a petition with supporting documentation in accordance with N.J.A.C. 14:17-6.1 through 6.5.

(b) In the event of a dispute over terms and conditions, any party to a pole attachment or conduit rental agreement may petition the Board for resolution.

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).

In (b), substituted a reference to pole attachment agreements for a reference to cable television pole attachment agreements.

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

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

Inserted references to conduit rental throughout; in (a), inserted a N.J.A.C. reference preceding "may petition the board".

the modification if such modification rendered possible the added attachment.

New Rule, R.2003 d.452, effective November 17, 2003.

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

SUBCHAPTER 3. CUSTOMER RIGHTS

14:18-3.1 Scope

It shall be the duty of every cable television company to furnish and maintain safe, adequate, economical, and efficient service.

Law Review and Journal Commentaries

NYT Cable TV v. Homestead at Mansfield, Inc.: Assessing the Role of Cable Access Statutes. Gerard G. Brew, 15 Rutgers Computer & Tech. L.J. 103 (1989).

14:18-3.2 Requests for service

(a) Applications by a customer for the establishment of service may be made at the cable television company office either in person, by mail or by telephone. If the cable television company requires a written application, the same

may be subsequently submitted to the customer for signature.

(b) Within 20 days of ordering service, a customer is entitled to one of the following:

1. Installation of service;
2. Cost estimate for line extension or nonstandard premises installation where applicable; or
3. If access has been denied by a landlord or property owner, a copy of a letter to the landlord or property owner requesting access; and

(c) In the event that a cable television operator cannot comply with (b) above, the cable television operator shall provide to the customer an explanation of why service cannot be provided within such time.

(d) Cable television operators shall complete 75 percent of standard service installations, as specified in the cable television operator's filed tariff, within five business days, unless a later date is requested by the customer.

(e) A cable television company may not refuse to connect with any customer following a directive to do so by the Office, unless the cable television company can demonstrate that such a connection will present a hazard to life or property or is to likely to produce disturbing effects on the service of the cable television company or other customers.

(f) If a cable television company refuses to connect with a potential customer, the cable television company shall provide written notification to the potential customer and advise the customer of the right to appeal the cable television company's refusal decision with the Office.

Amended by R.1991 d.78, effective February 19, 1991.

See: 22 N.J.R. 2890(a), 23 N.J.R. 612(a).

Maximum times set for installations.

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) and (d), substituted references to cable television operators for references to operators throughout; and in (d), substituted a reference to 75 percent for a reference to 85 percent, and substituted a reference to five business days for a reference to seven business days.

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

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

In the introductory paragraph of (b) and (c), substituted "customer" for "subscriber"; added (e) and (f).

14:18-3.3 Customer information

(a) Each cable television company shall, upon request, furnish its customers with such information as is reasonable, in order that the customers may obtain safe, adequate, efficient and economical service.

(b) Each cable television company shall inform its customers, where peculiar or unusual circumstances prevail, as to the conditions under which sufficient and satisfactory service may be secured from its system.

(c) The cable television operator shall provide prospective customers, and existing customers upon any changeover to a new type of equipment, with a written description of any auxiliary equipment necessary to receive cable television service, such as converters or remote control units, required for service with an explanation of how such equipment interfaces with customer owned equipment such as VCR's, remote control units, "cable ready" sets, etc.

(d) Every new customer shall be provided with a complete copy of the cable television company's tariff containing all rates, terms, and conditions applicable to that type of customer, for example, residential, commercial, etc.

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 references to customer for subscriber throughout.

14:18-3.4 Tariff information

(a) Upon request, the cable television operator shall provide, at no charge, a complete copy of the cable television company's tariff showing all rates, charges, and services.

(b) The cable television company shall post a notice in a prominent location in its local business office that a complete copy of its tariff showing all rates, charges, and services is available for inspection. The notice shall specifically identify the location of the tariff, which shall be placed in a prominent location within the customer service area of the local business office.

(c) Upon the request of any customer or applicant, each cable operator shall provide an explanation, in non-technical terms, of the service packages, rates, charges and provisions applicable to the services furnished or available to such customer or applicant, and shall take reasonable steps to provide any information and assistance necessary to enable the customer or applicant to obtain the most affordable service conforming to the needs of such customer or applicant.

(d) Where more than one rate schedule is available to particular customers, each cable operator shall have at all times the duty to assist such customers in the selection of the rate schedule most favorable for their individual requirements and to make every reasonable effort to insure that such customers are served under the most advantageous schedule.

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

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

Added (c) and (d).

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

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

Rewrote (b).

14:18-3.5 Outage credit

(a) The cable television operator shall credit customers for outages, as defined in these rules, as follows:

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).

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).

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 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).

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.

(c) With reference to N.J.A.C. 14:18-4.7, Deposits on auxiliary equipment, the amount of deposit shall be refunded to the customer upon termination of service and return of the unit(s) in good condition, reasonable wear and tear excepted. If any portion of the deposit is required to offset the cost of replacement or repair necessitated by customer

abuse to such unit(s), the difference between such cost and the amount of deposit shall be refunded to the customer.

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).

(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.

(b) Every cable television operator providing non-video signals or data transmission for testing, encoding, decoding or addressing purposes, shall use good engineering practices in transmitting the signal without material degradation or objectionable interference to any channel delivered to the customer.

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

Repealed section was "Additional technical standards"; "Requirements for Class III and IV channels" recodified from 14:18-10.9. Added Class II.

Repeal and new rule: R.1993 d.234, effective June 21, 1993.
See: 24 N.J.R. 4497(a), 25 N.J.R. 2700(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.

14:18-10.4 (Reserved)

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

Repealed section was "FM (Broadcasting) signal level"; "Initial performance tests" recodified from 14:18-10.10. Deleted (b) and (e); redesignated (c)-(d) as (b)-(c).

Repealed by R.1993 d.234, effective June 21, 1993.
See: 24 N.J.R. 4497(a), 25 N.J.R. 2700(a).

14:18-10.5 (Reserved)

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

Repealed section was "System carrier to noise ratio"; "Monitor point tests" recodified from 14:18-10.12. In (b)1, added visual and aural carrier.

Amended by R.1994 d.235, effective May 16, 1994.
See: 26 N.J.R. 1318(a), 26 N.J.R. 2146(c).

Section was "Monitor point tests".

14:18-10.6 Additional tests to ensure compliance

The Office of Cable Television may request certain specific tests at any time and, where necessary and feasible, to show compliance with this subchapter.

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

Repealed section was "Cross modulation"; "Special provisions for older and small systems" recodified from 14:18-10.13 and deleted (a)1-3.

14:18-10.7 (Reserved)

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

Section was "Converters."

14:18-10.8 (Reserved)

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

Section was "Requirements for subscriber terminal interface channel conversion devices."

14:18-10.9 (Reserved)

Recodified to 14:18-10.3 by R.1990 d.415, effective August 20, 1990.
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Section was "Requirements for Class III and IV channels."

14:18-10.10 (Reserved)

Recodified to 14:18-10.4 by R.1990 d.415, effective August 20, 1990.
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Section was "Initial performance tests."

14:18-10.11 (Reserved)

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

Section was "Annual tests to determine extent of compliance."

14:18-10.12 (Reserved)

Recodified to 14:18-10.5 by R.1990 d.415, effective August 20, 1990.
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Section was "Monitor point tests."

14:18-10.13 (Reserved)

Recodified to 14:18-10.6 by R.1990 d.415, effective August 20, 1990.
See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).

Section was "Special provisions for older systems and for small systems."

SUBCHAPTER 11. APPLICATION BY CABLE TELEVISION COMPANIES FOR MUNICIPAL CONSENT

14:18-11.1 Application for municipal consent; who may apply

(a) Any person may apply to any municipality in the State of New Jersey for the issuance of a municipal consent for the operation of a cable television system by submitting, in triplicate, an application to the clerk of that municipality. Three additional copies of the application shall be filed with the Office within three days after the municipal filing.

(b) Application for consent shall conform to the requirements of N.J.A.C. 14:18-11.2, shall be filed on forms promulgated by the Office, and shall have attached a filing fee in the amount of \$100.00.

Amended by R.1976 d.18, effective January 21, 1976.

See: 7 N.J.R. 173(a), 8 N.J.R. 84(b).

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 "Three additional copies" for "One additional copy".

14:18-11.2 Application for municipal consent to operate a cable television system

(a) Every application for a consent shall be submitted on a standard form supplied by the Office, which form shall include, but not be limited to, the following information:

1. Organization and management:
 - i. Type of business organization;
 - ii. System name, address and telephone number;
 - iii. Stockholders, directors, owners;

iv. Personnel, including system manager, accountant, attorney, chief engineer and registered agent;

2. Legal:

i. Individuals or organizations other than those listed in (a)1 above with financial interests in the applicant;

ii. Affiliations with other media enterprises, including but not limited to newspapers, television companies and radio stations;

iii. Public licenses revoked or suspended, or legal or administrative action by any government agency;

iv. Conviction of any applicants, or party to the application, by the United States Federal Court concerning violation relating to unlawful restraints and to all agreements in restraint of trade;

v. Convictions by any court or administrative agency concerning any felony, libel, slander, obscenity, invasion of privacy, lotteries or unfair methods of competition;

vi. Any bankruptcy proceedings;

vii. Any outstanding unsatisfied judgments or decrees against the applicant or any party to the application;

3. Cable experience: Affiliation with other television or communications systems;

4. System design and construction timetable:

i. The system design concept contemplated, indicating initial construction proposed and the development and extension of the system within the franchise boundaries. The total signals to be carried in terms of auxiliary equipment to be provided to customers. Two-way capability of proposed system;

ii. The schedule for the construction of the system;

5. Proposed services:

i. Broadcast signals to be carried;

ii. Access channels to be carried;

iii. Local origination channels to be carried;

iv. Production facilities to be available;

v. Other services available to subscribers;

6. Rates for television reception service:

i. Installation of service;

ii. Monthly service charges;

iii. Rental charges for any ancillary equipment required to be provided.

7. Bonding and insurance:

i. The types and amounts of insurance coverage applicant proposes to carry;

ii. The amount of bond applicant proposes to file with the municipality;

8. Financing:

i. The capital required for construction of the proposed system, including but not limited to estimates as to transmission system and distribution, and drop cables and office equipment; studio equipment, vehicles, telephones and power pole make ready, administrative and technical personnel, wages and bonuses;

ii. The annual revenues anticipated from system operation. Operating expenses and working capital needed in of that required for construction;

iii. Source of funds to be provided for the above purposes.

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).

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)4i, substituted "customers" for "subscribers".

Case Notes

Unclear violations of application amendment and disclosure regulations required on certificate of approval (citing former N.J.A.C. 14:18-11.20). In re: Controlled Cable Corp., 95 N.J. 473, 472 A.2d 130 (1984).

Required contents of application for cable franchise set forth in regulation (citing former N.J.A.C. 14:18-11.20); municipal ordinance consenting to franchise cannot be altered by parol evidence. In re: Cable Systems, Inc., 5 N.J.A.R. 75 (1981).

14:18-11.3 Appointment of citizens' committee; duties

(a) The municipal governing body, prior to or upon receipt of the first application for municipal consent to operate a cable television system, may appoint a citizen's committee which shall be responsible for obtaining and disseminating information concerning cable communications generally, analyzing those services which a cable system may be required or able to provide, investigating the backgrounds of the applicants or parties to the application, ascertaining the desires of the citizens of the municipality concerning the cable television applicant and studying those sections of the application concerning which they, as residents of the municipality, have special knowledge for example, the acceptability of the construction schedule in the areas proposed.

(b) It shall be further their responsibility to file a written report concerning these investigations and studies, which report shall become part of the record of the proceeding in accordance with section 10 of this subchapter. Members of the citizens' committee shall afford each applicant an equal opportunity to supply any information.

Amended by R.1976 d.18, effective January 21, 1976.

See: 7 N.J.R. 173(a), 8 N.J.R. 84(b).

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

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