

“Preliminary assessment of denial” means a decision by the Office of Cable Television to schedule a hearing on a Certificate of Approval application pursuant to N.J.S.A. 48:5A-16(b) and 47 U.S.C. § 546(c)(1).

“Preproposal phase” means any proceedings conducted under these rules held prior to a cable television operator’s filing for a renewal of a Certificate of Approval with the Board of Public Utilities.

“Promotional service” means the offering of an existing product, service, group of services or capability at a reduced introductory charge for a limited, specified period of time, during which the cable television company attempts to encourage new or additional customers to the product service.

“Proposal phase” means any proceedings subsequent to the time under these rules when a petition for renewal of a Certificate of Approval is filed with the Board of Public Utilities.

“Renewal” means formal extension or continuation by the Board of any cable television operator’s franchise beyond the duration specified by the existing Certificate of Approval.

“Request for Proposal” means a duly adopted municipal consent ordinance incorporating all terms and conditions for renewal, including but not limited to, any generally imposed obligations under state statute and regulations.

“Trial service” means the initial offering of a new capability or technology over a cable television system to some or all existing customers in the cable television company’s service area for a limited, specified period of time, not to exceed six months, during which the cable television company assesses the performance or marketability of the new capability or technology, and after which the service is either introduced as a standard offering or discontinued.

Amended by R.1986 d.376, effective September 8, 1986.
See: 18 N.J.R. 619(a), 18 N.J.R. 1831(a).

Added definitions “distribution plant” and “outage”.
Amended by R.1987 d.70, effective January 20, 1987.
See: 18 N.J.R. 1181(a), 19 N.J.R. 238(a).

Added definitions “franchising authority,” “operator’s proposal,” “preliminary assessment of denial,” “preproposal phase,” “renewal” and “request for proposal.”

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

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

Amended “cable communication system” and “Classes I, II, III, IV cable television channels;” deleted “certificate of compliance.”

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

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

Inserted “Ascertainment”, “Cable television operator’s proposal” and “Hearing impaired individual”; in “Cable television system”, inserted references to microwave transceivers, satellites and towers; deleted “Operator’s proposal”; in “Outage”, substituted “or” for “and” following “audio”; and in “Preproposal phase” and “Renewal”, substituted references to cable television operators for references to operators.

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

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

Rewrote the section.

Amended by R.2005 d.137, effective May 2, 2005.

See: 36 N.J.R. 4674(a), 37 N.J.R. 1536(a).

Added “Complaint”.

Amended by R.2007 d.154, effective May 7, 2007.

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

In definition “Cable television system”, substituted “is limited to the optical spectrum wavelengths, bandwidth, or other current or future technological capacity used for the transmission of video programming directly to subscribers” for “includes all real property, antennas, towers, poles, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a cable television company in providing service to its customers”.

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

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

Deleted definition “Cable communications system”; rewrote definitions “Cable television company or cable television operator” and “Cable television system”; added definition “Cable television service”; and in definition “Promotional service”, deleted “usually not exceeding one month,” following “period of time,”.

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.

SUBCHAPTER 2. PLANT

14:18-2.1 Plant construction

(a) Every cable television company shall construct and install its facilities in accordance with the applicable provisions of the National Electrical Safety Code, and subsequent amendments thereto, the National Electrical Code, and subsequent amendments thereto, as well as all Federal, State, and local laws, and any pole, conduit, or trench licensing agreements with utilities or other managers of rights-of-way.

(b) Every cable television company shall design its plant and facilities in a manner which will enable it to meet all technical standards of operation promulgated by the FCC or this Board.

(c) Each cable television company shall make reasonable efforts to protect the public and its property from injury or damage and shall execute due care to reduce hazards to which employees, customers or the general public may be subjected by reasons of its equipment or facilities.

(d) Every cable television company shall file with the Board, in association with its application for approval of a municipal consent, a schedule for the construction of its facilities. This schedule shall require significant completion of construction within one year of receipt of the certificate of approval.

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

Stylistic revisions.

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), added a reference to other managers of rights-of-way at the end.

14:18-2.2 Inspection of work performed by contractors

To the extent necessary to assure compliance with safe practices, any construction work performed for a cable television company by contractors shall be inspected by a qualified representative of the cable television company before being placed in active service.

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

14:18-2.3 Construction in existing utility rights-of-way

(a) Where practicable, every cable television company shall use existing electric and/or telephone utility rights-of-way and facilities.

(b) In areas which are presently being provided with overhead utility service or which this Board has designated as areas which may, in the future, be provided with overhead utility service, each cable television company wishing to serve therein may make arrangements with the utility or utilities owning the existing poles or structures for the joint use of these facilities.

(c) In areas where electric and telephone utility distribution facilities are underground or are required by the Board to be placed underground, each cable television company wishing to provide service therein shall be required to install its cable underground.

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

14:18-2.4 Identification of property; buildings and structures

Each group of buildings or structures shall be provided with a sign or suitable marking displaying the name of the operating cable television company.

14:18-2.5 Identification of property; poles or structures supporting or connecting wires or cables

(a) Each cable television company owning solely or jointly (with a utility) poles, pedestals or structures supporting or connecting wires or cables along, under or over public highways shall properly mark each such pole, pedestal, or structure with the initials of its name, abbreviation of its name, corporate symbol or other distinguishing mark or code which ownership may be readily and definitely ascertained and with number or symbol or both by which the location of each such pole, pedestal or structure may be determined on office records:

1. Such markings may be made with paint, brand or with a soft metal plate and the characters of the mark shall be of such size and so spaced and hereafter maintained as to be easily read.

2. In the case of joint ownership of any such structure by a cable television company and one or more utilities, the distinguishing mark or number of each owner shall be placed thereon. The numbering may be in accordance with a code which will indicate joint ownership.

3. In the case of such structures erected upon private rights-of-way or on public highways, of such character that the construction may be deemed to be a through or transmission trunk line, such mark need be affixed only to every fifth structure, provided, however, that each and every structure situated within the limits of any "built-up" community shall be marked.

4. The requirements herein shall apply to all existing and future structures erected and to all changes in ownership and name.

5. Every such cable television company shall have available a statement showing:

- i. The initials, abbreviations of name, corporate symbol or distinguishing mark;

- ii. The means of the marking employed;

- iii. The method followed in numbering structures, to wit, within the limits of cities, towns or other built-up communities, and upon through or transmission trunk lines.

6. Each cable television company should make reasonable efforts to prevent the placing upon its poles and pedestals of any marks, signs, placards, bulletins, notices or any foreign object other than as provided in N.J.S.A. 27:5-1.

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

See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).
 In (a), added "pedestal".
 Amended by R.2000 d.155, effective April 17, 2000.
 See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

14:18-2.6 Maintenance of plant, equipment and facilities

Every cable television company shall have and maintain its entire plant in such condition as will enable it to provide adequate, economical and efficient cable television service.

14:18-2.7 Inspection of property

(a) Each cable television company shall inspect its equipment and facilities at efficiently frequent intervals to disclose conditions, if existing, which would interfere with efficient service and shall promptly take corrective action where conditions disclosed by such inspection so warrant.

(b) Whenever any equipment is removed from the cable television system for any reason, it shall be inspected as to safety and serviceability before being reinstalled in the same or other location.

(c) Each pole, post, tower, pedestal, or other structure owned by the cable television company shall be inspected by the cable television company owning it with sufficient frequency and comprehensiveness to disclose the necessity for replacement or repair in order to maintain service in accordance with established practice.

Amended by R.1990 d.415, effective August 20, 1990.
 See: 22 N.J.R. 1330(b), 22 N.J.R. 2575(b).
 In (c), added "pedestal".
 Amended by R.2000 d.155, effective April 17, 2000.
 See: 31 N.J.R. 3061(a), 32 N.J.R. 1402(a).

14:18-2.8 Construction work near cable television facilities

(a) A cable television company shall endeavor, to the extent feasible and practicable, to obtain prompt notice and information concerning commencement and progress of construction work in close proximity to its facilities through contractors, government agencies, or others who may be permitted to perform construction work within the confines of its territory.

(b) Nothing herein shall affect the duties and obligations of persons working in the vicinity of high voltage lines as set forth in N.J.S.A. 34:6-47.1 et seq.

(c) A cable television company shall at all times have the duty and responsibility to participate in and comply with the One Call Damage Prevention System as provided in N.J.S.A. 48:2-76 and 80 and N.J.A.C. 14:2.

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

14:18-2.9 Calculation of pole attachment rent

(a) In cases where the Board must determine the appropriate rental rate for cable television or similar third party attachments on utility poles, it shall be calculated in the following manner:

1. Total percentage of gross plant as annual cost shall be the sum of the following percentages:
 - i. Rate of return;
 - ii. Depreciation expense;
 - iii. Miscellaneous taxes;
 - iv. Maintenance expenses;
 - v. Administrative expenses;
 - vi. Federal income tax.

2. Total yearly ownership expense	= Unweighted average original installed per pole cost	Multiplied by	Total percentage gross pole plant as annual cost
3. Common space	= Setting depth plus ground clearance		
4. Usable space	= Total pole length	minus	common space
5. Footage of usable space allocated to cable television or third party attacher	= 1.0 feet		
6. Footage of common space allocated to cable television or third party attacher	= $\frac{1.0 \text{ feet}}{\text{Total usable space on pole}}$	Multiplied by	Total common space on pole
7. Percentage of total allocated to cable television or third party attacher	= $\frac{\text{Footage of cable television or third party attacher common space}}{\text{Total pole length}}$	plus	Footage of cable television or third party attacher usable space
8. Annual rental charge per pole	= Percentage space allocated to cable television or third party attacher	Total pole length Multiplied by	Total yearly ownership expense

(b) Weighted average original installed per pole cost may be used in (a)2 above, upon mutual agreement of the cable television company or other third party attacher and the utility; however, should the parties be unable to agree on weighted or unweighted costs, the Board shall employ the unweighted average original installed per pole cost.

(c) The quotient of total common space on the pole divided by the number of parties on the pole may be used to set the footage of common space allocated to cable television or other third party attacher upon mutual agreement of the cable television company or other third party attacher and the utility; however, should the parties be unable to agree to allocate common space equally, the Board shall employ the formula set forth in (a)6 above.