

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 "with" for "for" following "credit".

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); deleted (c).

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

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

In (a), deleted "simple" preceding "interest".

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2009.

See: 41 N.J.R. 322(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2010.

See: 41 N.J.R. 4570(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2011.

See: 42 N.J.R. 2999(b).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2013.

See: 44 N.J.R. 3087(c).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2014.

See: 45 N.J.R. 2410(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2015.

See: 46 N.J.R. 2288(b).

14:18-3.20 Discounts for senior and/or disabled citizens

(a) Prior to offering a senior and/or disabled citizen discount, a cable television company shall:

1. Specify the rates, terms, and conditions for the discount, and which services are included;
2. Provide notice prior to the effective date to each customer and municipality served; and
3. Provide notice prior to the effective date to the Office of Cable Television along with a revised schedule of prices, rates, terms and conditions showing any such changes.

(b) Prior to altering or discontinuing a senior and/or disabled citizen discount, a cable television company shall:

1. Provide at least 30 days advance notice prior to the effective date to each customer and municipality served; and
2. Provide at least 30 days advance notice prior to the effective date to the Office of Cable Television along with a revised schedule of prices, rates, terms and conditions showing any such changes.

(c) New customers shall be informed in writing when a senior and/or disabled citizens discount program is available and the eligibility requirements for participation.

(d) Customers shall establish eligibility for this discount program by either:

1. Presenting a Pharmaceutical Assistance card and certifying that the customer is at least 62 years of age and that no more than one other person under the age of 62 resides in the same dwelling unit; or

2. Executing and notarizing a standard form of affidavit stating:

- i. The customer's name and that he or she is at least 62 years of age;
- ii. The customer's address and that he or she has been a permanent resident of this State for at least 30 days;
- iii. That no more than one other person under the age of 62 resides in the same dwelling unit; and
- iv. That the customer meets the income eligibility requirements established for Pharmaceutical Assistance to the Aged and Disabled under N.J.S.A. 30:4D-21, as amended and any such other limits as subsequently may be established by the Pharmaceutical Assistance to the Aged and Disabled program.

(e) Participation in a senior and/or disabled citizens discount plan shall not affect a customer's eligibility for other generally offered discounts and marketing promotions.

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); inserted a new (b); recodified former (b) through (d) as (c) through (e); and in the new (d)2iv, substituted a reference to \$18,151 for a reference to \$13,650 in (1), and substituted a reference to \$22,256 for a reference to \$16,750 in (2).

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.

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

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

In (a)3 and (b)2, substituted "schedule of prices, rates, terms and conditions" for "tariff sheets"; and rewrote (d)2iv.

14:18-3.21 Avoidance of interruption; prompt restoration

Each cable television company shall exercise reasonable diligence to avoid interruptions, curtailments or deficiencies of service and, when such interruptions occur, service shall be restored as promptly as possible, consistent with safe practice.

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

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

14:18-3.22 Notice of planned interruptions

Planned interruptions for operating reasons shall always be preceded by reasonable notice, preferably on a locally originated channel, to all affected customers, and the work shall be planned to minimize customer's inconvenience.

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.

14:18-3.23 Reimbursement for lost, stolen or damaged equipment

(a) The cost charged to customers by cable television operators to replace lost or stolen converters or other auxiliary

equipment shall be in an amount not to exceed the cable television operator's current replacement cost of the equipment.

(b) The cost charged to customers by cable television operators for damaged equipment shall not exceed the reasonable repair costs or actual replacement cost, whichever is lesser.

(c) A cable television company shall not charge a customer for any damage to converters or other auxiliary equipment which may have resulted from the design, operation or maintenance of the equipment or from normal wear and tear.

(d) In the event the cable television company seeks to impose a charge for a customer pursuant to this section, the cable television company shall give written notice to the customer of the amount sought and the reasons for the charge. The customer shall also be notified of the opportunity to refer the matter to the Office of Cable Television or the appropriate complaint officer pursuant to N.J.S.A. 48:5A-26.

(e) Cable television operators shall provide written notification to all new customers and customers receiving new or additional equipment of the rights and obligations of this section.

(f) The cable television operator's replacement cost may include normal postage, shipping and handling costs.

New Rule: R.1991 d.80, effective February 19, 1991.

See: 22 N.J.R. 2892(b), 23 N.J.R. 614(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 (d), substituted a reference to cable television companies for a reference to companies; and in (f), substituted a reference to cable television operators for a reference 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).

Substituted references to customers for subscribers throughout.

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

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

In (a), deleted "the actual cost or" following "exceed", " , whichever is greater," following "replacement cost" and "at the time the equipment was installed in the customer's home" from the end, and inserted "current".

14:18-3.24 Late fees and charges

(a) In the event a cable television operator imposes an additional fee or charge or penalty to a customer for billing balances which are considered past due or late, the cable television operator shall clearly specify the amount of the fee, charge or penalty on the customer bill. The cable television company shall also specify the method of calculation of the fee, charge or penalty on the bill.

(b) A cable television operator shall not impose an additional fee, charge or penalties specified in (a) above on any account balance less than 30 days past due.

New Rule: R.1991 d.81, effective February 19, 1991.

See: 22 N.J.R. 2893(a), 23 N.J.R. 615(a).

Amended by R.1995 d.313, effective June 19, 1995.

See: 27 N.J.R. 873(a), 27 N.J.R. 2430(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.

Case Notes

Late payment charges imposed by cable television company were in compliance with all applicable laws and regulations. *Sayreville Cable Television v. TKR Cable Company/Tri-System*, 96 N.J.A.R.2d (BRC) 32.

14:18-3.25 Refunds and credits

(a) Where a customer is due a refund, refund checks shall be issued promptly, but no later than either:

1. The customer's next billing cycle following the resolution of the issue giving cause for the rebate, or 30 days whichever is earlier; or

2. The return of the equipment supplied by the cable television operator if service is terminated.

(b) Credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

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

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

14:18-3.26 Pre-termination access to cable home wiring

(a) Prior to termination of service, a customer may install or provide for the installation of their own cable home wiring, or connect additional home wiring, splitters or other equipment within their premises to the wiring owned by the cable television operator, so long as no electronic or physical harm is caused to the cable television system and the physical integrity of the cable television operator's wiring remains intact.

(b) Cable television operators may require that home wiring (including passive splitters, connectors and other equipment used in the installation of home wiring) meets reasonable technical specifications, not to exceed the technical specifications of such equipment installed by the cable television operator; provided, however, that if electronic or physical harm is caused to the cable television system, the cable television operator may impose additional technical specifications to eliminate such harm. To the extent a customer's installation or rearrangement of wiring degrades the signal quality of or interferes with other customers' signals or causes electronic or physical harm to the cable television system, the cable television operator may discontinue service to that customer until such degradation or interference is resolved.

(c) Customers shall not physically cut, substantially alter, improperly terminate or otherwise destroy cable television operator owned home wiring.

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

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

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) 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).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2007.

See: 38 N.J.R. 5421(a).

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

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

In (f), substituted "Interest" for "Simple interest".

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2009.

See: 41 N.J.R. 322(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2010.

See: 41 N.J.R. 4570(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2011.

See: 42 N.J.R. 2999(b).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2013.

See: 44 N.J.R. 3087(c).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2014.

See: 45 N.J.R. 2410(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2015.

See: 46 N.J.R. 2288(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). Records of deposits on auxiliary equipment shall be kept in accordance with N.J.A.C. 14:18-4.8.

(b) The 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).

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

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

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2007.

See: 38 N.J.R. 5421(a).

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

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

In (a), inserted the last sentence; and in (b), deleted "simple" preceding "interest".

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2009.

See: 41 N.J.R. 322(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2010.

See: 41 N.J.R. 4570(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2011.

See: 42 N.J.R. 2999(b).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2013.

See: 44 N.J.R. 3087(c).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2014.

See: 45 N.J.R. 2410(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2015.

See: 46 N.J.R. 2288(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.

(c) The cable television company and/or any successor to interest in the cable television company shall retain a record of each customer deposit for auxiliary equipment for the period of time while the customer is active and for three years beyond the date of permanent disconnection of the customer. The record shall consist of the amount of deposit and the date the deposit was made, as well as any refund or adjustments thereto. If, pursuant to N.J.A.C. 14:18-4.9(b), the cable television company refunds the deposit to the customer, then the cable television company shall only be required to maintain the record of that customer for an additional three years.

1. "Permanent disconnection," for use in this subsection, shall mean the final physical disconnection of a customer either by request of the customer or due to company action. The term shall not include the electronic or physical disconnection on a temporary basis for non-payment of bill, repair of the system, or for any other reason.

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".

Amended by R.2007 d.154, effective May 7, 2007.
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).
Added (c).

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 from the date of deposit through the date the customer terminates service. No deposit is required to be refunded until the customer returns the units for which the deposit was required, pursuant to (c) below.

(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. The cable television company shall refund the deposit, as adjusted for any amount owed as provided in subsection (a) and this subsection, if necessary, within two billing cycles after the customer returns the cable television company's equipment.

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.
Amended by R.2007 d.154, effective May 7, 2007.
See: 38 N.J.R. 4822(b), 39 N.J.R. 1766(a).

In (a), deleted the period following "interest due", and inserted "from the date of deposit through the date the customer terminates service. No deposit is required to be refunded until the customer returns the units for which the deposit was required, pursuant to (c) below."; and in (c), inserted the last sentence.

14:18-4.10 Consolidated notice

All notices required by N.J.A.C. 14:18-3.18(a) or (b) may be provided to customers in a single annual or quarterly notice, respectively, to each customer as long as all required information for each item is included.

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 customers for subscribers throughout.

14:18-4.11 Disposition of cable home wiring

(a) The following applies to all individual customer's home wiring:

1. Upon voluntary termination of cable television service by a customer in a single unit installation, a cable television operator shall not remove the cable home wiring unless it gives the customer the opportunity to purchase the wiring at the replacement cost, and the customer declines. If the customer declines to purchase the cable home wiring, the cable television system operator shall then remove the cable home wiring within seven days of the customer's decision, under normal operating conditions, or make no subsequent attempt to remove it or to restrict its use.

2. Upon voluntary termination of cable television service by an individual customer in a multiple-unit installation, a cable television operator shall not be entitled to remove the cable home wiring unless: it gives the customer the opportunity to purchase the wiring at the replacement cost; the customer declines, and neither the MDU owner nor an alternative MVPD, where permitted by the MDU owner, has provided reasonable advance notice to the incumbent provider that it would purchase the cable home wiring pursuant to this section if and when a customer declines. If the cable television system operator is entitled to remove the cable home wiring, it shall then remove the wiring within seven days of the customer's decision, under normal operating conditions, or make no subsequent attempt to remove it or to restrict its use.

3. The cost of the cable home wiring is to be based on the replacement cost per foot of the wiring on the customer's side of the demarcation point multiplied by the length in feet of such wiring, and the replacement cost of any splitters or other passive equipment located on the customer's side of the demarcation point.

(b) During the initial telephone call in which a customer contacts a cable television operator to voluntarily terminate cable television service, the cable television operator—if it owns and intends to remove the home wiring—shall inform the customer:

1. That the cable television operator owns the home wiring;

2. That the cable television operator intends to remove the home wiring;

3. That the customer has the right to purchase the home wiring; and

4. What the per-foot replacement cost and total charge for the wiring would be (the total charge may be based on either the actual length of cable television wiring and the actual number of passive splitters on the customer's side of the demarcation point, or a reasonable approximation thereof; in either event, the information necessary for calculating the total charge shall be available for use during the initial phone call).

(c) If the customer voluntarily terminates cable television service in person, the procedures set forth in (b) above apply.

(d) If the customer requests termination of cable television service in writing, it is the operator's responsibility—if it wishes to remove the wiring—to make reasonable efforts to contact the customer prior to the date of service termination and follow the procedures set forth in (b) above.

(e) If the cable television operator fails to adhere to the procedures described in (b) above, it will be deemed to have relinquished immediately any and all ownership interests in the home wiring; thus, the operator will not be entitled to compensation for the wiring and shall make no subsequent attempt to remove it or restrict its use.

(f) If the cable television operator adheres to the procedures described in (b) above, and, at that point, the customer agrees to purchase the wiring, constructive ownership over the home wiring will transfer to the customer immediately, and the customer will be permitted to authorize a competing service provider to connect with and use the home wiring.

(g) If the cable television operator adheres to the procedures described in (b) above, and the customer asks for more time to make a decision regarding whether to purchase the home wiring, the seven day period described in (b) above, will not begin running until the customer declines to purchase the wiring; in addition, the customer may not use the wiring to connect to an alternative service provider until the customer notifies the operator whether or not the customer wishes to purchase the wiring.

(h) If an alternative video programming service provider connects its wiring to the home wiring before the incumbent cable television operator has terminated service and has capped off its line to prevent signal leakage, the alternative video programming service provider shall be responsible for ensuring that the incumbent's wiring is properly capped off in accordance with the FCC's signal leakage requirements as set forth in Subpart K (technical standards) of the FCC's Cable Television Service rules (47 C.F.R. §§ 76.605(a)(13) and 76.610 through 76.617).

(i) Where the customer terminates cable television service but will not be using the home wiring to receive another alternative video programming service, the cable television operator shall properly cap off its own line in accordance with the FCC's signal leakage requirements.

(j) Cable television operators are prohibited from using any ownership interests they may have in property located on the customer's side of the demarcation point, such as molding or conduit, to prevent, impede, or in any way interfere with, a customer's right to use his or her home wiring to receive an alternative service. In addition, incumbent cable television operators shall take reasonable steps within their control to ensure that an alternative service provider has access to the home wiring at the demarcation point. Cable television operators and alternative multichannel video programming delivery service providers are required to minimize the potential

for signal leakage in accordance with FCC guidelines set forth in 47 C.F.R. §§ 76.605(a)(13) and 76.610 through 76.617, theft of service and unnecessary disruption of the consumer's premises.

(k) These provisions, except for (a)1 above, shall apply to all MVPDs in the same manner that they apply to cable television operators.

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

14:18-4.12 Home run wiring in MDU settings

(a) The following applies to home run wiring where an MDU owner has an ownership interest:

1. Where an MDU owner has an ownership interest in the home run wiring utilized by the incumbent franchised cable operator, and the MDU owner desires to utilize the home run wiring for services to be provided by an alternate MVPD, it is the MDU owner's responsibility to ensure that any actions taken to gain control of the home run wiring are consistent with the mandatory access rights granted to the cable television operator under N.J.S.A. 48:5A-49, N.J.S.A. 48:5A-51, and N.J.A.C. 14:18-4.5. Pursuant to these sections, no MDU owner may terminate access to existing home run wiring in which it has an ownership interest without proper notice to the incumbent franchised cable television operator and without affording the incumbent cable television operator an opportunity to replace existing home run wiring in the MDU.

2. No MDU owner or agent of an MDU owner shall deny any tenant of a dwelling under its control access to the services of a franchised cable television operator, nor otherwise abridge the rights or discriminate against any such tenant receiving cable television service; in accordance with the provisions of N.J.S.A. 48:5A-49 and any other relevant rule or statute now in effect or hereinafter enacted.

(b) The following applies to home run wiring where an MDU owner does not have an ownership interest:

1. Where an MDU owner does not have an ownership interest in the home run wiring utilized by the incumbent franchised cable television operator, the MDU owner is prohibited from entering into any contracts with an alternate MVPD to remove, alter, modify, disrupt or share the incumbent franchised cable television operator's home run wiring to provide service without the written consent of the cable television operator.

2. Cable television operators are required to respond to written inquiries from MDU owners regarding the status and proposed use of existing home run wiring within 30 days of receipt by the cable television operator. The cable television operator's response shall include a full explanation of its position, supported by appropriate contractual and legal documentation in accordance with State and Federal law.