

(d) In instances where a subscriber is without cable television service for at least 24 hours, and the loss of the service is not the result of an outage, the company shall credit or rebate, at the company's option, the subscriber for one day unit for each 24-hour period in which the subscriber was without service. No cable company shall be required to provide a subscriber with a rebate or credit if the loss of service was caused by an act on the part of the subscriber requesting such a credit or rebate.

(e) Intermittent or cumulative service interruptions and other service related complaints are to be analyzed in accordance with the complaint procedure pursuant to N.J.A.C. 14:17-7.1.

(f) Each company shall quarterly inform its subscribers of the procedures by which a subscriber may obtain a credit.

#### 14:18-3.6 Access to company representatives

Subscriber phone calls shall be answered by a representative or agent of the cable company 24 hours a day. Such representative or agent shall be able to contact appropriate personnel of the company in the event an emergency situation exists. If used by the cable system, an Automatic Response Unit (ARU) must allow an escape option by which a subscriber can speak to the next available operator.

#### 14:18-3.7 Bills for service; form of bill

(a) Any bill issued after January 29, 1991 shall show the following:

1. The name, address, and telephone number of the cable television company;
2. Identification of each service for which a separate charge is imposed and the rate for each service;
3. The amount due during the current period;
4. The amount past due;
5. The date by which payment is due;
6. Any appropriate credits to the bill;
7. Any separate charges for equipment provided by the cable television company;
8. Any other separate fees;
9. The period of service covered by current charges on the bill;
10. The late charge rate, if any;
11. The amount of accumulated late charges; and
12. Periodic interest credits on deposits held by the cable television company pursuant to N.J.A.C. 14:18-4.6 and 4.7.

(b) Each CATV company shall adopt some method of informing its subscribers as to the address of an office where

complaints, service inquiries and bill payments will be received.

(c) Each CATV company shall keep a record of each subscriber's account in such a manner as will permit computation of the bill for any billing period occurring within three years.

(d) Prior to introduction of a new billing format pursuant to this section, a cable operator may submit a sample for review and approval by the Office.

(e) A cable operator may obtain a single six month extension of the implementation period for this section upon prior application and upon showing diligent efforts to conform to the requirement and good cause why it cannot do so.

#### 14:18-3.8 Method of billing

(a) Bills for cable television service shall be rendered monthly, bi-monthly, quarterly, semi-annually or annually and shall be prorated upon establishment and termination of service. In unusual credit situations, bills may be rendered at shorter intervals.

(b) Cable television seasonal service may be billed in accordance with reasonable terms and conditions of service set forth in the filed tariff.

(c) A CATV company may, under uniform nondiscriminatory terms and conditions, require payment, in advance, for a period not to exceed that for which bills are regularly rendered, as specified in its applicable filed tariff. Any such advance payment for a greater period shall reflect appropriate discount for the additional period involved. Unless otherwise provided for in the applicable filed tariff, initial and final bills shall be prorated as of the date of the initial establishment and final termination of service. Nothing herein shall preclude a CATV company from issuing "payment books" which conform to the above requirements.

#### 14:18-3.9 Due date of payment and notice of discontinuance

(a) The specified due date for payments shall be no less than 15 days from the postmark on the bill; if there is no postmark, the burden of proving the date of mailing shall be upon the cable company.

(b) Prior to disconnection for non-payment, a subscriber must receive 15 days' written notice from the cable television company. Such notice must be mailed separately and not as part of the periodic bill. Such notice shall not be issued until 15 days beyond the due date on the previous bill.

(c) A new notice shall be served by the CATV company each time the company intends to discontinue service for nonpayment of a bill.

(d) In case of fraud, illegal use or when it is clearly indicated the subscriber is preparing to leave, immediate payment of accounts may be required.

(e) A subscriber wishing to discontinue service must give notice to that effect. Where such notice is not received by the CATV company, the subscriber shall be liable for service until such notice is received by the CATV company.

(f) Notice to discontinue service will not relieve a subscriber from any minimum or guaranteed payment under any contract or rate.

#### 14:18-3.10 Basis for restoration of discontinued services

Service shall be restored upon proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges due from the subscriber provided in the tariff of the CATV company if the Office so directed when a complaint involving such matter is pending before it.

#### Case Notes

Provision of the Cable Television Act requiring cable companies to indemnify building owners for any damage caused by installation, operation, or removal of cable television facilities could not be read as actually requiring payment of compensation to owners by cable television companies for rights of access and installation; wording clearly indicated that legislature was referring to actual physical damage caused to property by cable installation and not to compensation for taking of property. *NYT Cable TV v. Homestead at Mansfield, Inc.*, 111 N.J. 21, 543 A.2d 10 (1988).

Validity of regulation must be challenged in the Appellate Division; regulation history. *Ocean Cablevision Associates v. Hovbilt, Inc.*, 210 N.J.Super. 626, 510 A.2d 308 (Law Div.1986).

#### 14:18-3.11 Disputes

(a) A CATV company shall not discontinue service because of nonpayment of bills in cases where a charge or service is in dispute, provided a request is made to the Office for an investigation of the disputed charge or service, and, in the case of a disputed bill, the undisputed charges are paid to the CATV company and a check in the amount of the disputed charges is placed with an escrow agent designated by the Office.

(b) In such cases, the CATV company shall notify the subscriber that unless steps are taken to invoke formal or informal action by the Office within five days, service will be discontinued for nonpayment.

#### 14:18-3.12 Service call scheduling

(a) When a service call is scheduled to a subscriber's home, the cable operator shall inform the subscriber upon request whether the service call is scheduled for morning, afternoon, or, if provided, evening.

(b) If the cable operator is unable to keep the scheduled appointment, the cable operator shall inform the subscriber and the appointment shall be rescheduled within 24 hours, unless good cause is shown.

#### 14:18-3.13 Prompt restoration standards

(a) For systems over 10,000 subscribers, the cable television operator shall dispatch personnel to begin corrective action within two hours of notification of any total loss of service affecting five or more contiguous subscribers within the cable system.

1. In situations where a system experiences multiple simultaneous or near-simultaneous outages due to weather or other causes beyond the system operator's control, the operator shall make every reasonable attempt to respond to and restore the multiple outages as soon as possible.

(b) In situations where it is not practicable to respond for reasons of safety or access to equipment, the company shall respond as soon as the situation would allow.

(c) Systems having less than 10,000 subscribers shall dispatch personnel to begin corrective action in response to a total loss of cable service affecting five or more contiguous subscribers within the system as promptly as possible.

(d) All operators shall respond immediately to emergency situations at the request of police, fire, rescue or other authorized emergency service providers or utilities.

(e) All operators shall dispatch personnel to begin corrective action as promptly as possible to any service interruptions or service deficiencies within the control of the operator and affecting the cable distribution plant, which interrupt one or more programming services to subscribers.

(f) For purposes of this rule, contiguous subscribers are those subscribers residing on the same streets or in the same neighborhood or geographic area of the system.

New Rule, R.1991 d.298, effective June 17, 1991.  
See: 23 N.J.R. 682(a), 23 N.J.R. 1961(b).

#### 14:18-3.14 Availability of special equipment

(a) The cable television operator shall provide, upon the request of the subscriber, the following equipment:

1. A parental lock to allow subscriber blocking of a specified cable service or channel as required by 47 U.S.C. Sec. 544(d)(2)(A); and

2. Devices to insure adequate access to cable television service for hearing-impaired persons pursuant to 47 U.S.C. Sec. 543(f)(2).

(b) The cable television operator may impose fees to the subscriber for any equipment listed in (a)2 above, which shall not exceed the purchase cost plus overhead.

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

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

Deleted a former (a)1 and renumbered the remainder.

#### 14:18-3.15 Trial services

(a) Subscribers who affirmatively agree to take a service marketed by the cable television operator for a specified trial period on a free or reduced rate basis shall not be charged for the disconnection or downgrade of the service provided the subscriber notifies the operator prior to the end of the trial period that they no longer want the service.

(b) Cable television operators shall maintain records of all such trial services for public inspection for a period of one year.

#### 14:18-3.16 Notice of rate change

(a) If the rates and charges of a cable operator are not subject to prior approval by the Board:

1. A cable TV company implementing a change in its rates shall file with the Office revised tariff sheets reflecting any rate changes at least 30 days prior to the effective date.

2. Each cable TV company shall individually notify, in writing, its subscribers and affected municipalities of a rate change at least 30 days prior to the effective date, with a simultaneous copy of the notice to the Office.

3. The notice requirements of (a)1 and 2 above are not applicable to limited time promotional activities provided the cable television company maintains a file for public inspection showing the nature of the promotional activity, the rates to be charged, and the time period of the promotional activity.

(b) Cable television operators may be issued a waiver for any notification provision pursuant to this requirement in the instance of rate decrease. In no instance will a waiver of timely compliance be issued for a rate increase.

Amended by R.1991 d.79, effective February 19, 1991.

See: 22 N.J.R. 2892(a), 23 N.J.R. 613(a).

Permits the waiver of notification requirements in event of a rate decrease, does not allow a waiver of compliance for rate increase.

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

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

In (a)1 substituted "30 days" for "35 days".

#### 14:18-3.17 Notice of alteration in channel allocation

(a) Each cable TV company shall file with the Office written notice of an alteration in channel allocation, on a form prescribed by the Director, at least five days prior to the effective date for new additions which do not require rate changes, deletions or cutbacks in other services. For all other changes the operator must provide notice at least 30 days prior to the effective date.

(b) Each cable TV company shall notify its subscribers and affected municipalities of an alteration in channel allo-

cation at least five days prior to the effective date for new additions which do not require rate changes, deletions or cutbacks in other services. For all other changes the operator shall provide notice to the Office at least 30 days prior to the effective date and 30 days prior to the effective date to the subscribers in a manner reasonably calculated to provide such information.

(c) The Office may relax the time for providing notification upon a showing by the cable television operator that the operator has acted to provide the required notice at the earliest possible date and:

1. The operator reasonably believes that timely compliance with this subsection might subject the operator to penalties under State, Federal, or local law;

2. Timely compliance with this subsection is impossible due to the unforeseeable actions of third parties beyond the operator's control;

3. The programming service has been discontinued or withdrawn by the provider in such a manner as to leave the operator without sufficient time to comply; or

4. A substantial benefit to subscribers would be irretrievably lost.

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

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

Inserted "rate changes" throughout and substituted "30 days" for "35 days".

#### 14:18-3.18 Periodic notices to subscribers

(a) The cable operators shall provide annual notice to each subscriber of the following:

1. Notice of all monthly service packages and corresponding rates available according to the subscriber's billing classification (for example, residential, commercial, hotel/motel);

2. The privacy notice as required by 47 U.S.C. § 551(a) and N.J.S.A. 48:5A-56(b);

3. Notice of the advance payment discount if the cable television operator's filed tariff provides for payments more than 30 days in advance, as required by N.J.A.C. 14:18-3.8(c);

4. Notice of the availability senior citizens/disabled discounts in systems where offered, pursuant to N.J.A.C. 14:18-20;

5. Notice of the availability of devices for hearing impaired as required by N.J.A.C. 14:18-3.14(c); and

6. Notice of the availability of parental lock devices as required by N.J.A.C. 14:18-3.14(b) and 47 U.S.C. § 544(d)(2)(A).

(b) The cable operators shall provide quarterly notice to each subscriber of the following:

1. Notice of the outage credit availability as outlined in N.J.A.C. 14:18-3.5; and

2. Notice of the complaint officer and the Office's toll free telephone number as required by N.J.S.A. 48:5A-26(c).

(c) The form and content of such notices shall meet the requirements of the applicable State or Federal law specifying such; in all other instances, the notice shall reasonably convey enough information for consumers to make informed decisions.

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

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

Deleted a former (a)6 and redesignated (a)7 as (a)6.

#### 14:18-3.19 Interest on uncorrected billing errors

(a) Subscribers are entitled to credit for simple interest for any overpayments due to a billing error which are not refunded or corrected within two billing cycles after the subscriber notifies the cable operator in writing.

(b) The interest rate shall be equal to the average yields on six month Treasury Bills for the 12 month period ending each September 30. Said rate shall become effective on January 1 of the following year.

(c) The Board annually shall perform calculation to determine the applicable interest rate and shall notify the cable companies of said rate.

Amended by R.1992 d.319, effective August 17, 1992.

See: 24 N.J.R. 1470(b), 24 N.J.R. 2925(a).

Deleted requirement for rounding up or down to the nearest half percent.

#### 14:18-3.20 Discounts for senior and disabled citizens

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

1. Specify the rates, terms, and conditions for the discount, and which services are included;

2. Provide at least 30 days advance notice to each subscriber and municipality served; and

3. Provide at least 35 days advance notice to the Office of Cable Television along with revised tariff sheets showing any such changes.

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

(c) Subscribers shall establish eligibility for this discount program by either:

1. Presenting a Pharmaceutical Assistance card and certifying that the subscriber 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 subscriber's name and that he or she is at least 62 years of age;

ii. The subscriber'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 subscriber is:

(1) Single with an income less than \$13,650 per year, including social security income benefits;

(2) Married, with a combined income of less than \$16,750 per year including social security income benefits; or

(3) Such other limits as subsequently may be established for Pharmaceutical Assistance to the Aged and Disabled under N.J.S.A. 30:4D-21, as amended.

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

#### 14:18-3.21 Avoidance of interruption; prompt restoration

Each CATV 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.

#### 14:18-3.22 Notice of planned interruptions

Planned interruptions for operating reasons shall always be preceded by reasonable notice, preferably on the local origination channel, to all affected subscribers, and the work shall be planned to minimize subscriber's inconvenience.

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

(a) The cost charged to subscribers by cable television operators to replace lost or stolen converters or other auxiliary equipment shall be in an amount not to exceed the actual cost or the cable television operator's replacement cost, whichever is greater, of the equipment at the time the equipment was installed in the subscriber's home.

(b) The cost charged to subscribers 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 subscriber 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.