

(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, opera-

tion 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 subscriber pursuant to this section, the company shall give written notice to the subscriber of the amount sought and the reasons for the charge. The subscriber 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 subscribers and subscribers receiving new or additional equipment of the rights and obligations of this section.

(f) The 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).

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 subscriber 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 subscriber 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).

SUBCHAPTER 4. CABLE OPERATOR RIGHTS

14:18-4.1 Permits

(a) The CATV company, where necessary, shall make application for any street opening permits for installing its cables and shall not be required to furnish service until after such permits are granted.

(b) The municipal charge, as set forth in N.J.S.A. 48:5A-1, for use of the streets shall be paid annually by the CATV company.

14:18-4.2 Refusal to connect

A CATV company may refuse to connect with any customer's installation when it is not in accordance with the standard terms and conditions of the tariff schedules of the CATV company furnishing the service which have been filed with the Office, and with the provisions of applicable governmental requirements.

14:18-4.3 Basis of discontinuance of service

(a) The CATV company shall, upon reasonable notice, when it can be reasonably given, have the right to suspend or curtail or discontinue service for the following reasons:

1. For the purpose of making permanent or temporary repairs, changes or improvements in any part of its system;

2. For compliance in good faith with any governmental order or directive, notwithstanding such order or directive subsequently may be held to be invalid;

3. For any of the following acts or omissions on the part of the subscriber:

i. Nonpayment of a valid bill due for service furnished at a present or previous location in accordance with the further requirements stipulated in N.J.A.C. 14:18-7.9. However, nonpayment for business service shall not be a reason for discontinuance of residence service without the prior approval of the Office;

ii. Tampering with any facility of the CATV company;

iii. Fraudulent representation in relation to the use of the service within the subscriber's premises;

iv. Subscriber moving from the premises, unless the subscriber requests that service be continued;

v. Providing cable television service to others through the "tapping" of the CATV company's system without approval of the company;

vi. Refusal to contract for service where such contract is required by the filed tariff;

vii. Failure to make or increase an advance payment or deposit as provided for in these regulations or the tariff;

viii. Connecting and operating in such manner as to produce disturbing effects on the service of the CATV company or other subscribers;

ix. Failure of the subscriber to comply with any reasonable standard terms and conditions contained in the CATV company's tariff;

x. Where the condition of the subscriber's installation presents a hazard to life or property;

xi. Failure of subscriber to repair any faulty television or FM receiver or other CATV receiving facility belonging to the subscriber.

4. For refusal of reasonable access to subscriber's premises for necessary purposes in connection with rendering of service, including the proper and legal maintenance or removal of the CATV company's property.

(b) 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.

14:18-4.4 Access to customer's premises

(a) The CATV company shall have the right of reasonable access to subscriber's premises, and to all property furnished the CATV company at all reasonable times for the purpose of inspection of premises incident to the installation of service, inspecting, testing or repairing its facilities used in connection with supplying the service or for the removal of its property.

(b) The subscriber shall obtain, or cause to be obtained, all permits needed by the CATV company for access to the company's facilities at the subscriber's terminal.

(c) Access to the CATV company's facilities shall not be given except to authorized employees or agents of the company or duly authorized governmental officials, who shall present proper identification.

(d) In the case of defective service, the subscriber shall not interfere or tamper with the apparatus belonging to the CATV company but shall immediately notify the CATV company to have the defects remedied.

14:18-4.5 Compensation for taking because of installation of cable television facilities

(a) A cable television operator shall award \$1.00 to a fee owner, as defined by N.J.S.A. 48:5A-49(b)(1), in consideration of the access granted pursuant to the Cable Television Act, N.J.S.A. 48:5A-49.

(b) Unless cable television service is being currently provided to a certain multi-family property, a cable television operator shall serve written notice to the fee owner, landlord or agent of its intent to install cable television service or facilities upon the fee owner's property at least 30 days prior to commencing such installation. The Director of the Office of Cable Television has prescribed that notice be served by certified mail and that the form and content of such notice include at a minimum:

1. The name and address of the cable operator;
2. The name and address of the fee owner, manager or superintendent;
3. The approximate date of the installation;
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 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 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 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. 1:1-1.1 et seq.

(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. 14:17-5.1 et seq. Answers, if any, shall be filed within 20 days in compliance with N.J.A.C. 14:17-8.1 et seq. 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.