

48:5A-11a

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 97

NJSA: 48:5A-11a (Modifies certain service outage compensation and notice requirements for CATV companies)

BILL NO: A1528 (Substituted for S981)

SPONSOR(S) Burzichelli and others

DATE INTRODUCED: January 10, 2012

COMMITTEE: ASSEMBLY: Regulatory Oversight and Gaming

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: June 27, 2013

SENATE: June 27, 2013

DATE OF APPROVAL: August 7, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted) Yes

A1528

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

. (Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S981

SPONSOR'S STATEMENT (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2013, CHAPTER 97, *approved August 7, 2013*
Assembly, No. 1528 (*First Reprint*)

1 AN ACT concerning cable television service outages ¹**[.]** and¹
2 amending P.L.1987, c.422 and ¹**[amending]**¹ P.L.1999, c.43.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1987, c.422 (C.48:5A-11a) is amended to
8 read as follows:

9 a. The director, with the approval of the board, shall adopt
10 rules and regulations providing for a credit or rebate for outages of
11 cable television service which are six or more hours in duration.
12 The amount of the credit or rebate shall be in one day units,
13 prorated on the basis of the subscriber's monthly rate for each
14 service so interrupted. In order to obtain a credit or rebate, a
15 subscriber shall notify by telephone or in writing the cable
16 television company, the Office of Cable Television or other
17 designated complaint officer within 30 days after any such outage.
18 The regulations may provide for appropriate exceptions and
19 limitations.

20 b. ¹**[Notwithstanding the provisions of subsection a. of this**
21 **section, or any other law, rule, regulation, or order to the contrary,**
22 **the]** ¹The director shall permit any cable television company that
23 has a service outage lasting six ¹or more¹ hours ¹[or longer] in
24 duration¹ , to ¹[offer the option] provide¹ to its subscribers ¹[of
25 accepting]¹ other forms of compensation, in lieu of ¹**[credits]** ¹a
26 credit¹ or ¹[rebates] rebate¹ , to compensate subscribers for the loss
27 of service caused by the outage. Nothing in this section shall
28 authorize a cable television company to ¹**[provide]** require a
29 subscriber to accept¹ an alternative form of compensation ¹[to a
30 subscriber without first obtaining the express authorization of that
31 subscriber either in writing or via electronic form] in lieu of a
32 credit or rebate to which the subscriber is entitled to pursuant to
33 subsection a. of this section¹ .

34 (cf: P.L.1987, c.422, s.1)

35

36 2. Section 1 of P.L.1999, c.43 (C.48:5A-11b) is amended to
37 read as follows:

38 1. a. Notice to subscribers of refund liability and ordered rate
39 decreases shall commence concurrent with subscriber credits within
40 the next billing cycle following approval of the refund liability

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 17, 2013.

1 statement by the appropriate agency, whether the Board of Public
2 Utilities for basic rates, or the Federal Communications
3 Commission for cable programming service rates.

4 b. Notwithstanding the provisions of subsection a. of this
5 section, or any other law, rule, regulation, or order to the contrary,
6 the director shall not require any cable television company to
7 provide its subscribers with periodic written notice of the
8 procedures for obtaining credits, rebates, or other forms of
9 compensation as reimbursement for service outages lasting six¹ or
10 more¹ hours¹ ~~or longer~~ in duration¹ if the company provides
11 ~~such~~ that¹ information in an electronic format on its Internet
12 website in a manner that reasonably conveys the content of ~~such~~
13 the periodic written¹ notices, and ~~that~~¹ allows its subscribers to
14 thereafter make informed decisions¹ ~~based on the information~~
15 contained in such notices¹ concerning compensation for service
16 outages¹ .

17 c. Any cable television company that ~~determines to provide~~
18 notices¹ provides notice¹ electronically on its Internet website in
19 lieu of sending periodic written notices to its subscribers, pursuant
20 to subsection b. of this section, shall offer the option to each of its
21 subscribers to continue receiving ~~such~~ periodic¹ notices in
22 written form on at least an annual basis.

23 (cf: P.L.1999, c.43, s.1)

24

25 3. This act shall take effect immediately.

26

27

28

29

30 Modifies certain service outage compensation and notice
31 requirements for CATV companies.

ASSEMBLY, No. 1528

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblyman PETER J. BARNES, III
District 18 (Middlesex)

Co-Sponsored by:

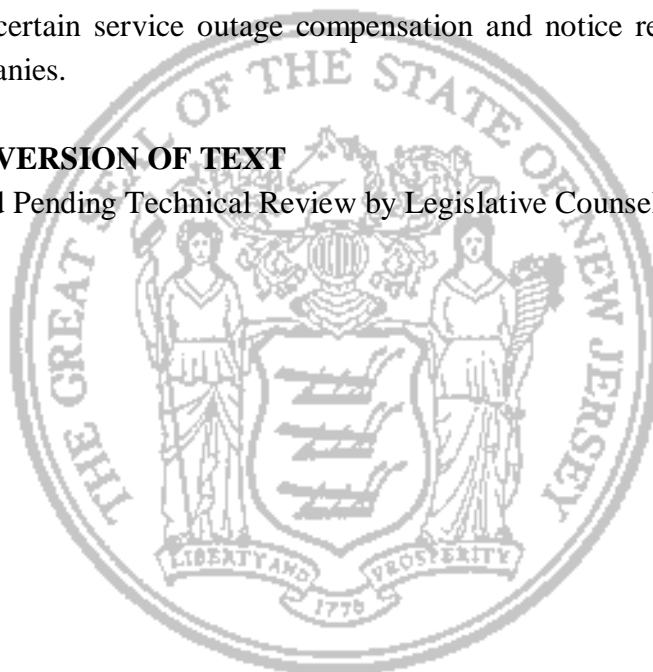
Assemblywoman Lampitt

SYNOPSIS

Modifies certain service outage compensation and notice requirements for CATV companies.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning cable television service outages, amending
2 P.L.1987, c.422 and amending P.L.1999, c.43.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1987, c.422 (C.48:5A-11a) is amended to
8 read as follows:

9 a. The director, with the approval of the board, shall adopt
10 rules and regulations providing for a credit or rebate for outages of
11 cable television service which are six or more hours in duration.
12 The amount of the credit or rebate shall be in one day units,
13 prorated on the basis of the subscriber's monthly rate for each
14 service so interrupted. In order to obtain a credit or rebate, a
15 subscriber shall notify by telephone or in writing the cable
16 television company, the Office of Cable Television or other
17 designated complaint officer within 30 days after any such outage.
18 The regulations may provide for appropriate exceptions and
19 limitations.

20 b. Notwithstanding the provisions of subsection a. of this
21 section, or any other law, rule, regulation, or order to the contrary,
22 the director shall permit any cable television company that has a
23 service outage lasting six hours or longer, to offer the option to its
24 subscribers of accepting other forms of compensation, in lieu of
25 credits or rebates, to compensate subscribers for the loss of service
26 caused by the outage. Nothing in this section shall authorize a cable
27 television company to provide an alternative form of compensation
28 to a subscriber without first obtaining the express authorization of
29 that subscriber either in writing or via electronic form.

30 (cf: P.L.1987, c. 422, s.1)

31

32 2. Section 1 of P.L.1999, c.43 (C.48:5A-11b) is amended to
33 read as follows:

34 1. a. Notice to subscribers of refund liability and ordered rate
35 decreases shall commence concurrent with subscriber credits within
36 the next billing cycle following approval of the refund liability
37 statement by the appropriate agency, whether the Board of Public
38 Utilities for basic rates, or the Federal Communications
39 Commission for cable programming service rates.

40 b. Notwithstanding the provisions of subsection a. of this
41 section, or any other law, rule, regulation, or order to the contrary,
42 the director shall not require any cable television company to
43 provide its subscribers with periodic written notice of the
44 procedures for obtaining credits, rebates, or other forms of
45 compensation as reimbursement for service outages lasting six

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 hours or longer if the company provides such information in an
2 electronic format on its Internet website in a manner that reasonably
3 conveys the content of such notices, and that allows its subscribers
4 to thereafter make informed decisions based on the information
5 contained in such notices.

6 c. Any cable television company that determines to provide
7 notices electronically on its Internet website in lieu of sending
8 periodic written notices to its subscribers, pursuant to subsection b.
9 of this section, shall offer the option to each of its subscribers to
10 continue receiving such notices in written form on at least an annual
11 basis.

12 (cf: P.L.1999, c.43, s.1)

13

14 3. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill amends section 1 of P.L.1987, c.422 (C.48:5A-11a) to
20 require the Director of the Office of Cable Television (the
21 "director") to permit cable television ("CATV") companies that
22 have a service outage lasting six hours or longer, to offer their
23 subscribers other forms of compensation, in lieu of credits or
24 rebates, to compensate them for the outage. In this way, CATV
25 companies would have additional options to reimburse subscribers
26 affected by service outages such as providing access to CATV
27 premium programming channels. Current law and regulations limit
28 CATV companies to providing credits or rebates as reimbursement
29 to subscribers for CATV service outages lasting six hours or longer.

30 In addition, this bill amends section 1 of P.L.1999, c.43
31 (C.48:5A-11b) to require the director to exempt CATV companies
32 from having to send periodic written notices to subscribers
33 describing the procedures for obtaining service credits, rebate
34 checks, or other forms of compensation for service outages if the
35 companies make the same information available to subscribers on
36 their Internet websites. A CATV company that provides its notices
37 electronically on its Internet website in lieu of sending periodic
38 written notices to its subscribers would be required to offer the
39 option to each of its subscribers to continue receiving the notices in
40 written form on at least an annual basis.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1528

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Regulatory Oversight and Gaming Committee reports favorably Assembly Bill No. 1528.

This bill amends section 1 of P.L.1987, c.422 (C.48:5A-11a) to require the Director of the Office of Cable Television (the "director") to permit cable television ("CATV") companies that have a service outage lasting six hours or longer, to offer their subscribers other forms of compensation, in lieu of credits or rebates, to compensate them for the outage. In this way, CATV companies would have additional options to reimburse subscribers affected by service outages such as providing access to CATV premium programming channels. Current law and regulations limit CATV companies to providing credits or rebates as reimbursement to subscribers for CATV service outages lasting six hours or longer.

In addition, this bill amends section 1 of P.L.1999, c.43 (C.48:5A-11b) to require the director to exempt CATV companies from having to send periodic written notices to subscribers describing the procedures for obtaining service credits, rebate checks, or other forms of compensation for service outages if the companies make the same information available to subscribers on their Internet websites. A CATV company that provides its notices electronically on its Internet website in lieu of sending periodic written notices to its subscribers would be required to offer the option to each of its subscribers to continue receiving the notices in written form on at least an annual basis.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO ASSEMBLY, No. 1528

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2013

The Senate Economic Growth Committee reports favorably Assembly Bill No. 1528 with committee amendments.

As amended and reported, this bill requires the Director of the Office of Cable Television (director) to permit a cable television (CATV) company that has a service outage lasting six or more hours in duration, to provide its subscribers other forms of compensation, in lieu of a credit or rebate. The bill provides that a subscriber is not required to accept another form of compensation in lieu of a credit or rebate. Current law and regulations limit a CATV company to providing credits or rebates as compensation to a subscriber for CATV service outages lasting six or more hours in duration.

In addition, this bill requires the director to exempt CATV companies from having to send periodic written notices to subscribers describing the procedures for obtaining credits, rebates, or other forms of compensation for service outages if the companies make the same information available to subscribers on their Internet websites. A CATV company that provides notice electronically on its Internet website in lieu of sending periodic written notices to its subscribers is required to offer the option to each of its subscribers to continue receiving the notices in written form on at least an annual basis.

The committee amended the bill to: 1) clarify that another form of compensation is permitted to be provided by a CATV company when a subscriber has a service outage lasting six or more hours in duration; and 2) specify that a subscriber is not required to accept another form of compensation in lieu of a credit or rebate. The amendments also make a technical change to correct the bill's title.

As amended and reported by the committee, Assembly Bill No. 1528 is identical to Senate Bill No. 981 which was also amended and reported by the committee on this date.

SENATE, No. 981

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 17, 2012

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Modifies certain service outage compensation and notice requirements for CATV companies.

CURRENT VERSION OF TEXT

As introduced.



S981 GREENSTEIN

2

1 AN ACT concerning cable television service outages and amending
2 P.L.1987, c.422 and P.L.1999, c.43.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1987, c.422 (C.48:5A-11a) is amended to
8 read as follows:

9 a. The director, with the approval of the board, shall adopt
10 rules and regulations providing for a credit or rebate for outages of
11 cable television service which are six or more hours in duration.
12 The amount of the credit or rebate shall be in one day units,
13 prorated on the basis of the subscriber's monthly rate for each
14 service so interrupted. In order to obtain a credit or rebate, a
15 subscriber shall notify by telephone or in writing the cable
16 television company, the Office of Cable Television or other
17 designated complaint officer within 30 days after any such outage.
18 The regulations may provide for appropriate exceptions and
19 limitations.

20 b. Notwithstanding the provisions of subsection a. of this
21 section, or any other law, rule, regulation, or order to the contrary,
22 the director shall permit any cable television company that has a
23 service outage lasting six hours or longer, to offer the option to its
24 subscribers of accepting other forms of compensation, in lieu of
25 credits or rebates, to compensate subscribers for the loss of service
26 caused by the outage. Nothing in this section shall authorize a
27 cable television company to provide an alternative form of
28 compensation to a subscriber without first obtaining the express
29 authorization of that subscriber either in writing or via electronic
30 form.

31 (cf: P.L.1987, c.422, s.1)

32

33 2. Section 1 of P.L.1999, c.43 (C.48:5A-11b) is amended to
34 read as follows:

35 1. a. Notice to subscribers of refund liability and ordered rate
36 decreases shall commence concurrent with subscriber credits within
37 the next billing cycle following approval of the refund liability
38 statement by the appropriate agency, whether the Board of Public
39 Utilities for basic rates, or the Federal Communications
40 Commission for cable programming service rates.

41 b. Notwithstanding the provisions of subsection a. of this
42 section, or any other law, rule, regulation, or order to the contrary,
43 the director shall not require any cable television company to
44 provide its subscribers with periodic written notice of the
45 procedures for obtaining credits, rebates, or other forms of

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 compensation as reimbursement for service outages lasting six
2 hours or longer if the company provides such information in an
3 electronic format on its Internet website in a manner that reasonably
4 conveys the content of such notices, and that allows its subscribers
5 to thereafter make informed decisions based on the information
6 contained in such notices.

7 c. Any cable television company that determines to provide
8 notices electronically on its Internet website in lieu of sending
9 periodic written notices to its subscribers, pursuant to subsection b.
10 of this section, shall offer the option to each of its subscribers to
11 continue receiving such notices in written form on at least an annual
12 basis.

13 (cf: P.L.1999, c.43, s.1)

14

15 3. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill amends section 1 of P.L.1987, c.422 (C.48:5A-11a) to
21 require the Director of the Office of Cable Television (the
22 "director") to permit cable television ("CATV") companies that
23 have a service outage lasting six hours or longer, to offer their
24 subscribers other forms of compensation, in lieu of credits or
25 rebates, to compensate them for the outage. In this way, CATV
26 companies would have additional options to reimburse subscribers
27 affected by service outages such as providing access to CATV
28 premium programming channels. Current law and regulations limit
29 CATV companies to providing credits or rebates as reimbursement
30 to subscribers for CATV service outages lasting six hours or longer.

31 In addition, this bill amends section 1 of P.L.1999, c.43
32 (C.48:5A-11b) to require the director to exempt CATV companies
33 from having to send periodic written notices to subscribers
34 describing the procedures for obtaining service credits, rebate
35 checks, or other forms of compensation for service outages if the
36 companies make the same information available to subscribers on
37 their Internet websites. A CATV company that provides its notices
38 electronically on its Internet website in lieu of sending periodic
39 written notices to its subscribers would be required to offer the
40 option to each of its subscribers to continue receiving the notices in
41 written form on at least an annual basis.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 981

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2013

The Senate Economic Growth Committee reports favorably Senate Bill No. 981 with committee amendments.

As amended and reported, this bill requires the Director of the Office of Cable Television (director) to permit a cable television (CATV) company that has a service outage lasting six or more hours in duration, to provide its subscribers other forms of compensation, in lieu of a credit or rebate. The bill provides that a subscriber is not required to accept another form of compensation in lieu of a credit or rebate. Current law and regulations limit a CATV company to providing credits or rebates as compensation to a subscriber for CATV service outages lasting six or more hours in duration.

In addition, this bill requires the director to exempt CATV companies from having to send periodic written notices to subscribers describing the procedures for obtaining credits, rebates, or other forms of compensation for service outages if the companies make the same information available to subscribers on their Internet websites. A CATV company that provides notice electronically on its Internet website in lieu of sending periodic written notices to its subscribers is required to offer the option to each of its subscribers to continue receiving the notices in written form on at least an annual basis.

The committee amended the bill to: 1) clarify that another form of compensation is permitted to be provided by a CATV company when a subscriber has a service outage lasting six or more hours in duration; and 2) specify that a subscriber is not required to accept another form of compensation in lieu of a credit or rebate.

As amended and reported by the committee, Senate Bill No. 981 is identical to Assembly Bill No. 1528 which was also amended and reported by the committee on this date.