

48:5A-1 ET SEQ.

LEGISLATIVE HISTORY CHECKLIST

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 Laws of 1972 Chapter 186  
 Bill No. S 640  
 Sponsor(s) Hollenbeck  
 Date introduced March 27, 1972  
 Committee: Assembly Transportation & Public Utilities; Judiciary  
 Senate Transportation & Communications

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 Senate May 18, 1972  
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Following statements are attached if available:

Sponsor statement	<del>Yes</del>	No
Committee Statement: Assembly	<del>Yes</del>	No
Senate	Yes	<del>No</del>
Fiscal Note	Yes	<del>No</del>
Veto message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>

Following were printed:

Reports	Yes	<del>No</del>
Hearings	Yes	<del>No</del>

974.90 New Jersey. CATV Study Commission.  
 T267 Public hearing held Oct. 6 and Nov. 4, 1971.  
 1971c Trenton. 2v.

974.90 New Jersey. CATV Study Commission.  
 T267 Report to the Governor and Legislature pursuant to  
 1972 ACR 2041 of 1971. 145p.

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974.90  
T267  
1971a

New Jersey. Legislature. Assembly. Committee on  
Transportation and Public Utilities.  
Public hearing on Community Antenna Television Systems  
(A2139, 1971) held April 20 and May 18, 1971.  
Trenton, 1971. 3v.

CHAPTER 186 LAWS OF N. J. 1972

APPROVED 12-15-72

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SENATE, No. 840

# STATE OF NEW JERSEY

INTRODUCED MARCH 27, 1972

By Senators HOLLENBECK and HAGEDORN

Referred to Committee on Transportation and Communications

AN ACT concerning cable television, supplementing Title 48 of the Revised Statutes, and repealing P. L. 1971, c. 221.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

## ARTICLE I

1 1. This act shall be known and may be cited as the "Cable  
2 Television Act."

1 2. The Legislature finds, determines and declares:

2 a. That, after careful investigation, it appears that the rates,  
3 services and operations of cable television companies in this State  
4 are affected with a public interest;

5 b. That it should be, and is hereby declared, the policy of this  
6 State to provide fair regulation of cable television companies in  
7 the interest of the public;

8 c. That the objects of such regulation are (1) to promote ade-  
9 quate, economical and efficient cable television service to the  
10 citizens and residents of this State, (2) to encourage the optimum  
11 development of the educational and community-service potentials  
12 of the cable television medium, (3) to provide just and reasonable  
13 rates and charges for cable television system services without  
14 unjust discrimination, undue preferences or advantages, or unfair  
15 or destructive competitive practices, (4) to promote and encourage  
16 harmony between cable television companies and their subscribers  
17 and customers, (5) to protect the interests of the several municipal-  
18 ities of this State in relation to the issuance of municipal consents  
19 for the operation of cable television companies within their several  
20 jurisdictions, and to secure a desirable degree of uniformity in the  
21 practices and operations of cable television companies in those  
22 several jurisdictions; and (6) to cooperate with other states and  
23 with the Federal Government in promoting and coordinating efforts

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

24 to regulate cable television companies effectively in the public  
25 interest;

26 d. That to secure such regulation and promote the objectives  
27 thereof, authority to regulate cable television companies generally,  
28 and their rates, services and operations, in the manner and in ac-  
29 cordance with the policies set forth in this act, shall be vested in  
30 \*\*\*[a separate agency within]\*\*\* the Department of Public  
31 Utilities.

1 3. As used in this act, except as the context may otherwise  
2 clearly require or indicate:

2A \*\*\*a. "Board" means the Board of Public Utility Commis-  
2B sioners of the Department of Public Utilities of this State.\*\*\*

3 \*\*\*[a.]\*\*\* \*\*\*b.\*\*\* "Office" means the office of Cable Tele-  
4 vision established by this act.

5 \*\*\*[b.]\*\*\* \*\*\*c.\*\*\* "Director" means the Director of the Office  
6 of Cable Television.

7 \*\*\*[c.]\*\*\* \*\*\*d.\*\*\* "Cable television system" or "CATV  
8 system" means any facility within this State which is operated or  
9 intended to be operated to perform the service of receiving and  
10 amplifying the signals broadcast by one or more television stations  
11 and redistributing such signals by wire, cable or other device or  
12 means for accomplishing such redistribution, to members of the  
13 public who subscribe to such service, or distributing through its  
14 facility any television signals whether broadcast or not; or any  
15 part of such facility. The term "facility" as used in this subsec-  
16 tion includes all real property, antennae, poles, wires, cables, con-  
17 duits, amplifiers, instruments, appliances, fixtures and other per-  
18 sonal property used by a CATV company in providing service to  
19 its subscribers and customers.

20 \*\*\*[d.]\*\*\* \*\*\*e.\*\*\* "Cable television reception service" means  
21 the simultaneous delivery through a CATV system of the signals  
22 of television broadcast stations to members of the public sub-  
23 scribing to such service; which service may include additional  
24 nonbroadcast signals delivered as a part of the service with no  
24A additional charge.

25 \*\*\*[e.]\*\*\* \*\*\*f.\*\*\* "Cable communications system" means  
26 any communications service other than cable television reception  
27 service delivered through the facilities of a CATV system and for  
28 which charges in addition to or other than those made for cable  
29 television reception service are made or proposed to be made.

30 \*\*\*[f.]\*\*\* \*\*\*g.\*\*\* "Cable television company" or "CATV  
31 company" means any person owning, controlling, operating or  
32 managing a cable television system, and the term "person" as

33 used herein shall be construed, without limiting the generality  
 34 thereof, to include specifically any agency or instrumentality of  
 35 this State or of any of its political subdivisions; but this definition  
 36 shall not include a telephone, telegraph or electric utility company  
 37 regulated by the Board of Public Utility Commissioners in a case  
 38 where it merely leases or rents or otherwise provides to a CATV  
 39 company wires, conduits, cables or pole space used in the re-  
 40 distribution of television signals to or toward subscribers or cus-  
 41 tomers of such CATV company.

42 \*\*\*[g.]\*\*\* \*\*\*h.\*\*\* "Highway" includes every street, road,  
 43 alley, thoroughfare, way or place of any kind used by the public  
 44 or open to the use of the public.

45 \*\*\*[h.]\*\*\* \*\*\*i.\*\*\* "Certificate" means a certificate of ap-  
 46 proval issued, or which may be issued, by the \*\*\*[director]\*\*\*  
 47 \*\*\*board\*\*\* pursuant to this act.

#### ARTICLE II

1 4. There is hereby established in the Department of Public  
 2 Utilities an Office of Cable Television; but \*\*\*[noting]\*\*\*  
 3 \*\*\*nothing\*\*\* in this act shall be construed as declaring or de-  
 4 fining cable television to be a public utility or subjecting it to the  
 5 application of any of the provisions of Title 48 of the Revised  
 6 Statutes, except as otherwise specifically provided in this act.

1 5. The office shall be headed and administered by a director, who  
 2 shall be a person qualified by training and experience to perform  
 3 the duties of his office, and shall receive such salary as shall be  
 4 provided by law. The director shall be appointed by the \*\*\*[Gov-  
 5 ernor]\*\*\* \*\*\*board\*\*\*, \*\*\*[with the advice and consent of the  
 6 Senate,]\*\*\* and shall serve at the pleasure of the \*\*\*[Gov-  
 7 ernor]\*\*\* \*\*\*board\*\*\* \*\*\*[and until the appointment and quali-  
 8 fication of the director's successor]\*\*\*.

1 \*\*\*[6. The director shall designate any officer or employee in the  
 2 bureau to perform all of the powers, functions and duties of the  
 3 director during the absence or disability of the director. Such  
 4 designation shall be in writing and filed with the Secretary of  
 5 State. If the director shall die, resign or be removed from his  
 6 office or become disqualified to execute the duties of his office or  
 7 a vacancy shall occur in the office of director for any cause what-  
 8 ever, the person designated as aforesaid shall have and exercise  
 9 the powers and perform the functions, powers and duties of the  
 10 director until the successor to the director is appointed and shall  
 11 qualify.]\*\*\*

1 \*\*\*[7.]\*\*\* \*\*\*6.\*\*\* The director \*\*\*under the supervision of  
 1A the board\*\*\* shall organize the work of the office and establish

2 therein such administrative subdivisions as he may deem necessary,  
 3 proper and expedient. He may formulate and adopt rules and  
 4 regulations and prescribe duties for the efficient conduct of the  
 5 business, work and general administration of the office. He may  
 6 delegate to subordinate officers or employees in the office such of  
 7 his powers as he may deem desirable, to be exercised under his  
 8 supervision and direction.

1 \*\*\*[8.]\*\*\* \*\*\*7.\*\*\* Subject to the provisions of Title 11 of the  
 2 Revised Statutes, and within the limits of funds appropriated or  
 3 otherwise made available, the director \*\*\*with the approval  
 3A of the board\*\*\* may appoint such officers and employees  
 4 of the office as he may deem necessary for the performance of its  
 5 duties, and may fix and determine their qualifications, duties and  
 6 compensation, and may retain or employ engineers and private  
 7 consultants on a contract basis or otherwise for rendering pro-  
 8 fessional or technical service or assistance.

1 \*\*\*[9.]\*\*\* \*\*\*8.\*\*\* The director shall make an annual report to  
 2 the \*\*\*[Governor and the Legislature]\*\*\* \*\*\*board\*\*\* of the  
 3 office's operations, and render such other reports as the \*\*\*[Gov-  
 4 ernor]\*\*\* \*\*\*board\*\*\* shall from time to time request or as may  
 5 be required by law.

1 \*\*\*[10.]\*\*\* \*\*\*9.\*\*\* The \*\*\*board and the\*\*\* director \*\*\*under  
 2 the supervision of the board\*\*\* shall have full right, power, au-  
 2A thority and jurisdiction to:

3 a. Receive or initiate complaints of the alleged violation of any  
 4 of the provisions of this act or of any of the rules and regulations  
 5 made pursuant to this act or of the terms and conditions of any  
 6 municipal consent granted pursuant to this act; and for this  
 7 purpose and all other purposes necessary to enable him to ad-  
 8 minister the duties of the office as prescribed by law may hold  
 9 hearings and shall have power to subpoena witnesses and compel  
 10 their attendance, administer oaths and require the production for  
 11 examination of any books or papers relating to any matter under  
 12 investigation at any such hearing;

13 b. Supervise and regulate every CATV company operating  
 14 within this State and its property, property rights, equipment,  
 15 facilities, contracts, certificates and franchises so far as may be  
 16 necessary to carry out the purposes of this act, and to do all things,  
 17 whether herein specifically designated or in addition thereto, which  
 18 are necessary or convenient in the exercise of such power and  
 19 jurisdiction;

20 c. Institute all proceedings and investigations, hear all com-  
 21 plaints, issue all process and orders, and render all decisions neces-

22 sary to enforce the provisions of this act, of the rules and  
 23 regulations adopted thereunder, or of any municipal consents  
 24 issued pursuant to this act;

25 d. Institute, or intervene as a party in, any action in any court  
 26 of competent jurisdiction seeking mandamus, injunctive or other  
 27 relief to compel compliance with any provision of this act, of any  
 28 rule, regulation or order adopted thereunder or of any municipal  
 29 consent issued thereunder, or to restrain or otherwise prevent or  
 30 prohibit any illegal or unauthorized conduct in connection  
 31 therewith.

1 \*\*\*[11.]\*\*\* \*\*\*10.\*\*\* The director \*\*\*with the approval of  
 1A the board\*\*\* shall establish, for the purpose of assuring  
 2 safe, adequate and proper cable television service, after hearing  
 3 in accordance with the Administrative Procedure Act (P. L. 1968,  
 4 c. 410; C. 52:14B-1 et seq.), rules and regulations governing:

5 a. Technical standards of performance for CATV systems and  
 6 the equipment and facilities thereof, including standards of main-  
 7 tenance and safety, not inconsistent with applicable Federal  
 8 regulations.

9 b. The prohibition and prevention of the imposition of any unjust  
 10 or unreasonable, unjustly discriminatory or unduly preferential  
 11 individual or joint rate, charge or schedule for any service supplied  
 12 or rendered by a CATV company within this State, or the adoption  
 13 or imposition of any unjust or unreasonable classification in the  
 14 making or as the basis of any individual or joint rate, charge or  
 15 schedule for any service rendered by a CATV company within  
 16 this State.

17 c. Requirements for the reasonably prompt and complete exercise  
 18 of the rights conferred by any certificate, subject to revocation  
 19 thereof or other penalty provided under this act;

20 d. Procedures and forms for the application by a CATV com-  
 21 pany for municipal consents required under this act;

22 e. Procedures and forms for review by the director of municipal  
 23 consents issued pursuant to the provisions of this act;

24 f. Procedures and forms for the application by CATV companies  
 25 to municipalities for amendment of rates or other terms and con-  
 26 ditions \*\*\*\*[or]\*\*\*\* \*\*\*\*of\*\*\*\* municipal consents \*\*\*\*and\*\*\*\*,  
 27 for the review by the director of the terms of such amendments,  
 28 and for the \*\*\*\*[arbitration]\*\*\*\* \*\*\*\*resolution\*\*\*\* by the di-  
 29 rector of disputes between municipalities and CATV companies  
 30 over such applications;

31 g. Procedures and forms for submission to and \*\*\*\*[arbitra-  
 32 tion]\*\*\*\* \*\*\*\*resolution\*\*\*\* by the director of complaints or dis-

33 putes by or between CATV companies, municipalities or citizens  
 34 regarding proper compliance with and implementation of the pro-  
 35 visions of this act or the rules and regulations made or municipal  
 36 consents issued pursuant to this act; provided, however, that, not-  
 37 withstanding the foregoing provisions of this section or any of the  
 38 provisions of this act, it is the intent of this act that all the provi-  
 39 sions, regulations and requirements imposed by or pursuant to this  
 40 act shall be operative only to the extent that the same are not in  
 41 conflict with the laws of the United States or with any rules, regu-  
 42 lations or orders adopted, issued or promulgated pursuant thereto  
 43 by any Federal regulatory body having jurisdiction. No require-  
 44 ment, regulation, term, condition, limitation or provision imposed  
 45 by or pursuant to this act which is contrary to or inconsistent with  
 46 any such Federal law, regulation or order now or hereafter adopted  
 47 shall be enforced by the director or shall be authority for the  
 48 granting, denial, amendment or limitation of any municipal consent  
 49 or certificate of approval which may be applied for or issued under  
 50 the terms of this act.

51 The \*\*\*\*[director]\*\*\*\* *board through the office* is hereby  
 52 empowered and directed to cooperate with any Federal regulatory  
 53 agency in the enforcement within this State of all Federal laws,  
 54 rules, regulations and orders relating to CATV systems and CATV  
 55 companies, and therein to act as agent for such Federal regulatory  
 56 body to the extent authorized by or pursuant to Federal law, and  
 57 to enter into agreements for said purpose.

1 \*\*\*\*[12.]\*\*\*\* *11.* a. Except as provided in subsection g. of  
 2 section \*\*\*\*[29]\*\*\*\* *28* of this act with respect to rates to  
 3 subscribers to cable television reception service, the \*\*\*\*[direc-  
 4 tor]\*\*\*\* *board through the office* shall prescribe just and  
 5 reasonable rates, charges and classifications for the services  
 6 rendered by a CATV company, and the tariffs therefor shall be  
 7 filed and published in such manner and on such notice as the  
 8 director *with the approval of the board* may prescribe, and  
 8A shall be subject to change on such notice and in such manner as  
 8B as the director *with the approval of the board* may pre-  
 8C scribe.

9 b. The \*\*\*\*[director]\*\*\*\* *board* shall from time to time  
 10 \*\*\*\*[review]\*\*\*\* *cause* the established rates and rate  
 11 schedules of each CATV company for cable TV reception service  
 12 *to be reviewed*, and if upon such review it shall appear to  
 13 \*\*\*\*[him]\*\*\*\* *the board* that such rates, or any of them, are  
 14 or may be excessive, unreasonable, unjustly discriminatory or



15 unduly preferential, **\*\*\*[he]\*\*\*** **\*\*\*the board\*\*\*** shall require  
 16 the CATV company to establish to **\*\*\*[his]\*\*\*** **\*\*\*its\*\*\*** satis-  
 17 faction that such rates are just, reasonable and not excessive or  
 18 unjustly preferential or discriminatory**\*\*\*, and for such purpose**  
 19 **shall order the director to hold a hearing thereon\*\*\***. After a  
 20 hearing upon notice and full opportunity to be heard afforded to  
 20A the CATV company, the director may **\*\*\*[amend]\*\*\*** **\*\*\*recom-**  
 20B **mend amendment of\*\*\*** the schedule of cable television subscrip-  
 20C tion rates charged by such company, and such amended schedule  
 20D **\*\*\*if approved by the board\*\*\*** shall supersede and replace the  
 20E schedule so amended.

21 c. Any hearing held pursuant to this section shall be open to the  
 22 public, and notice thereof shall be published by the director at  
 23 least 10 days prior thereto in a newspaper of general circulation  
 24 in each municipality comprised, in whole or part, in the certificated  
 25 area wherein the rate schedule which is the subject of the hearing  
 26 applies. Every municipality may intervene in any hearing held by  
 27 the director pursuant to this section affecting the municipality or  
 28 the public within the municipality.

29 d. No CATV company shall derive from the operations of **\*\*[its**  
 30 **CATV system]\*\*** **\*\*cable television reception service or cable**  
 31 **communications systems\*\*** any revenues other than the fees,  
 32 charges, rates and tariffs provided for in subsection a. of this  
 33 section and in subsection g. of section **\*\*\*[29]\*\*\*** **\*\*\*28\*\*\*** of this  
 34 act**\*\*[; nor shall engage in any other business but the provisions**  
 35 **of cable television reception service or cable communications**  
 35A **systems]\*\***.

36 e. **\*\*[For the purposes of this section,]\*\*** **\*\*Whenever pur-**  
 37 **suant to the provisions of this act the** **\*\*\*board or the\*\*\*** director  
 38 **is required to determine whether any of the rates, charges, fees,**  
 39 **tariffs and classifications of a CATV company subject to this sec-**  
 40 **tion or to subsection g. of section** **\*\*\*\*[29]\*\*\*\*** **\*\*\*\*28\*\*\*\*** **of this**  
 41 **act are unjust, unreasonable, discriminatory or unduly preferen-**  
 42 **tial, \*\*\*[he shall take]\*\*\*** **\*\*\*there shall be taken\*\*\*** into con-  
 43 **sideration\*\*** any fees which are charged for the use of a CATV  
 44 system, or part thereof, as an advertising medium, or for services  
 45 ancillary to such use, and from which the CATV system derives  
 46 revenue, directly or indirectly, **\*\*[shall be deemed to be among**  
 47 **the]\*\*** **\*\*and the effect thereof upon, the company's requirements**  
 48 **for revenue from such\*\*** fees, rates, charges, tariffs and classifi-  
 49 cations subject to the provisions of this section.

## ARTICLE III

1 \*\*\*[13.]\*\*\* \*\*\*12.\*\*\* There is hereby established in the Office  
2 of Cable Television a Cable Television Advisory Council, which  
3 shall consist of the director as chairman, five other ex-officio mem-  
4 bers as hereinafter provided, and five citizen members as herein-  
5 after provided.

1 \*\*\*[14.]\*\*\* \*\*\*13.\*\*\* a. The ex-officio members of the council  
2 shall be the President of the Board of Public Utility Commission-  
3 ers, the Director of the Division of Consumer Affairs in the De-  
4 partment of Law and Public Safety, the Executive Director of the  
5 New Jersey Public Broadcasting Authority, the Commissioner of  
6 Education and the Chancellor of Higher Education. Ex-officio  
7 members shall remain members during their continuance in their  
8 respective offices. Each ex-officio member may designate any  
9 officer or employee of the department or other agency which he  
10 heads to serve as his alternate and to exercise any and all of his  
11 functions and duties as member of the Cable Television Advisory  
11A Council.

12 b. The citizen members shall be appointed by the Governor,  
13 with the advice and consent of the Senate. The term of office of  
14 each member so appointed, except as hereinafter provided for the  
15 initial appointments, shall be for 3 years. The terms of the mem-  
16 bers initially appointed shall be designated by the Governor so that  
17 two of such terms shall expire on June 30 in each of the next 2 years  
18 ensuing after such appointments and one on June 30 of the third  
19 year. Each member shall serve until his successor has been ap-  
20 pointed and qualified, and vacancies shall be filled in the same  
21 manner as the original appointments for the remainder of the  
22 unexpired term.

23 c. Citizen members appointed by the Governor shall be chosen  
24 from (1) persons engaged in the management or operation of  
25 CATV systems \***[or related industries in this State]**\*, (2) munic-  
26 ipal officials selected from the municipalities in which CATV  
27 systems are in operation, and (3) the general public not embraced in  
28 either of the foregoing categories. No more than one person in  
29 either of the first two categories above enumerated shall serve upon  
30 the council at any one time. The Governor in making his appoint-  
31 ments shall specify in which of the three categories each appointee  
32 belongs.

33 d. Members shall serve without compensation, but shall be en-  
34 titled to be reimbursed for all reasonable and necessary expenses  
35 actually incurred in the performance of their official duties.

1 \*\*\*[15.]\*\*\* \*\*\*14.\*\*\* a. The council shall meet at the call of  
 2 the chairman, at such times and places as he shall appoint. It  
 3 shall confer with and advise the director with respect to the im-  
 4 plementation of this act, including the adoption of such rules and  
 5 regulations as are authorized by this act, and with respect to any  
 6 measures which may be proposed for the more effectual imple-  
 7 mentation of this act or of the purposes for which this act was  
 8 enacted, or any other measures for the encouragement and pro-  
 9 motion of safe, adequate and proper cable television service to the  
 10 people of this State and the advancement of the public interest  
 11 through the development of cable television in this State.

12 b. In carrying out its functions the council shall, insofar as  
 13 practicable, provide interested organizations and individuals an  
 14 opportunity to present their views and recommendations to the  
 15 council for consideration.

16 c. The director shall make available to the council such technical,  
 17 clerical, professional and other personnel and assistance as may be  
 18 required for the exercise and discharge of its duties and functions  
 19 under this act, within the limits of funds appropriated or otherwise  
 20 made available for the purpose.

#### ARTICLE IV

1 \*\*\*[16.]\*\*\* \*\*\*15.\*\*\* No person shall hereafter begin the con-  
 2 struction, extension or operation of a CATV system or acquire  
 3 ownership or control thereof without first obtaining from the  
 4 \*\*\*[director]\*\*\* \*\*\*board\*\*\* a certificate of approval issued in  
 5 accordance with the provisions and procedures specified in this  
 6 act; except that the director may, by order, rule or regulation,  
 7 exempt a CATV company from the above certificate requirement  
 8 in a case where its temporary acts or operations do not require  
 9 the issuance of a certificate in the public interest.

1 \*\*\*[17.]\*\*\* \*\*\*16.\*\*\* a. The application for such a certificate  
 2 of approval from the \*\*\*[director]\*\*\* \*\*\*board\*\*\* shall be in  
 3 writing, shall have attached thereto the municipal consents re-  
 4 quired under section \*\*\*[23]\*\*\* \*\*\*22\*\*\* of this act, *except*  
 5 *that a CATV company which is authorized under section*  
 5A *\*\*\*[26]\*\*\* \*\*\*25\*\*\* of this act to continue operations after the*  
 5B *expiration of a municipal consent and pending municipal action*  
 6 *upon application made for renewal or reissuance of such consent*  
 6A *may in lieu of such municipal consent attach to its application a*  
 6B *statement regarding its authorization to continue operations under*  
 6C *the provisions of section \*\*\*[26]\*\*\* \*\*\*25\*\*\*;* and shall  
 6D contain such other information as the director may from time to

6E time prescribe by duly promulgated rule, regulation or order. Each  
6F such application shall be accompanied by a filing fee of \$100.00.

7 b. Upon receipt of such application, the **\*\*\*[director]\*\*\***  
8 **\*\*\*board\*\*\*** shall review the same and shall, within 30 days of the  
9 receipt thereof, either issue the certificate applied for or **\*\*\*order**  
9A *the director to\*\*\** schedule a hearing upon the applica-  
10 tion. No application shall be denied without a hearing thereon.  
11 **\*\*\*In determining whether a certificate should issue, the board**  
12 **shall consider, in addition to the requirements of section 17, among**  
13 **other things, public convenience and necessity, the suitability and**  
13A **character of the applicant, the financial responsibility of the ap-**  
14 **plicant, and the ability of the applicant to perform efficiently the**  
14A **proposed service and other service which may be required by**  
14B **public convenience and necessity during the term of the municipal**  
14C **consent.\*\*\*** Upon receipt of a complaint from any person claim-  
14D ing to be aggrieved by the issuance of a certificate applied for, the  
14E **\*\*\*[director]\*\*\* \*\*\*board\*\*\*** shall not issue such certificate with-  
14F out a hearing thereon, if **\*\*\*[he]\*\*\* \*\*\*it\*\*\*** deems that there is  
14G a reasonable grounds for such complaint.

15 c. If in **\*\*\*[his]\*\*\* \*\*\*its\*\*\*** initial review of the application  
16 it shall appear to the **\*\*\*[director]\*\* \*board\*\*\*** that any of  
17 the rates in the schedule of rates provided therein pursuant to  
18 subsection g. of section **\*\*\*[29]\*\*\* \*\*\*28\*\*\*** of this act are or  
19 may be excessive, unreasonable, unjustly discriminatory or unduly  
20 preferential, **\*\*\*[he]\*\*\* \*\*\*it\*\*\*** shall not issue a certificate  
21 without a hearing on such application, **\*\*\*to be held by the direc-**  
22 **tor at the order of the board\*\*\*** at which hearing **\*\*\*[he may**  
23 **require]\*\*\*** the applicant CATV company **\*\*\*may be required\*\*\***  
24 to establish to his satisfaction that such rates are just, reason-  
25 able and not excessive or unjustly preferential or discriminatory.  
26 After a hearing at which such justification of rates is required,  
27 upon notice and full opportunity to be heard afforded to the ap-  
28 plicant CATV company, the director may, **\*\*\*[if he issues the**  
28A **certificate applied for, amend]\*\*\* \*\*\*recommend that\*\*\*** the  
28B schedule of rates aforesaid **\*\*\*be amended\*\*\*** and such amended  
28C schedule **\*\*\*if approved by the board\*\*\*** shall supersede and  
28D replace the schedule so amended.

29 d. A hearing held pursuant to this section shall be held not  
30 later than the sixtieth day following the date of receipt of the  
31 application; it may be adjourned from time to time, but not to a  
32 date later than the sixtieth day following the date on which it com-  
33 menced, except with the consent of the applicant. If such hearing is  
34 held, the director shall within 60 days after the conclusion thereof,

35 *transmit his findings of fact and recommendations to*  
36 *the board, which shall either issue or deny the certificate for*  
37 *which application was made, or may issue a certificate with*  
38 *such limitations and conditions as the public interest may re-*  
39 *quire.* [and shall transmit to the applicant notice of such  
40 issuance or denial.] *The board shall transmit notice of its*  
41 *decision to the applicant.*

1 [18.] 17. a. The [director] board  
2 shall issue a certificate of approval when, after reviewing the  
3 application, and after hearing if one is held, the applicant estab-  
3A lishes to [his] its satisfaction that the applicant has  
4 all the municipal consents necessary to support the application,  
5 that such consents and the issuance thereof are in conformity with  
6 the requirements of this act, and that the applicant has complied  
7 or is ready, willing and able to comply with all applicable rules and  
8 regulations imposed by or pursuant to State or Federal law as  
9 preconditions for engaging in his proposed CATV operations;  
9A *provided, that in the case of any application which has omitted the*  
9B *attachment of municipal consent in the circumstance provided for*  
9C *in subsection a. of section [17] 16 of this act, the*  
9D *[director] board shall condition the issuance of the*  
9E *certificate upon the applicant's reasonably prompt attainment of*  
9F *the omitted municipal consent or reasonably prompt initiation of*  
9G *proceedings under subsection d. of this section.*

10 b. In considering any such application, the [director]  
11 board shall take into consideration the probable effects  
12 upon both the area for which certification is sought and neighbor-  
13 ing areas not covered in the municipal consents; and if [he]  
14 it finds that the probable effects, for technical and financial  
15 reasons, would be to impede the development of adequate cable  
16 television service, or create an unreasonable duplication of ser-  
17 vices likely to be detrimental to the development of adequate cable  
18 television service in any area either within or without the area for  
19 which certification is sought, [he] it may deny  
19A the certificate or it may amend the certificate in issuing it  
19B so as to

20 (1) direct that areas covered in the application be excluded from  
21 the area certified, or

22 (2) direct that areas not covered in the application be included  
23 in the area certified.

24 c. No such certificate amended pursuant to subsection b. of this  
25 section shall be issued except after hearing of which each affected

26 municipality shall be given notice and afforded opportunity to be  
27 heard. No such amended certificate shall be issued which would  
28 impair the terms of any existing certificate or of any municipal  
29 consent upon which such existing certificate is based, except with  
30 the consent of the holder of such existing certificate and of any  
31 municipality having issued such municipal consent.

32 d. If a municipality shall arbitrarily refuse to grant the munic-  
33 ipal consent required under the terms of this act prerequisite to  
34 issuance of a certificate, or to act upon an application for such  
35 municipal consent within 90 days after such application is filed,  
36 then the applicant CATV company may avoid the necessity of first  
37 obtaining such municipal consent by showing to the satisfaction of  
38 the **\*\*\*[director]\*\*\* *\*\*\*board\*\*\**** that the municipal consent is  
39 being arbitrarily withheld. But any CATV company certificated  
40 without municipal consent shall nevertheless pay the franchise  
41 tax to the municipality imposed under section **\*\*\*[31]\*\*\***  
42 **\*\*\*30\*\*\*** of this act. An application for certificate filed pursuant  
43 to this subsection shall be accompanied by a filing fee of \$200.00.

44 e. If any municipality shall refuse to any CATV company,  
45 whether the holder of a municipal consent from that municipality  
46 or otherwise, any zoning variance or other municipal act or autho-  
47 rization necessary to permit such company to locate any facility of  
48 such company within such municipality, or to install transmission  
49 facilities through such municipality for the purpose of serving sub-  
50 scribers or customers in an area for which such company has been  
51 issued a certificate by the **\*\*\*[director]\*\*\* *\*\*\*board\*\*\****, the com-  
52 pany may apply to the **\*\*\*[director]\*\*\* *\*\*\*board\*\*\**** for an order  
53 setting aside such municipal refusal and permitting such location  
54 of facility or installation of transmission facilities as requested  
55 by the company. An application pursuant to this subsection shall  
56 be accompanied by a filing fee of \$200.00. The **\*\*\*[director]\*\*\***  
57 **\*\*\*board\*\*\***, after hearing upon notice and full opportunity for  
58 both the applicant and the municipality to be heard, shall issue  
59 such order when it appears to **\*\*\*[his]\*\*\* *\*\*\*the board's\*\*\****  
60 satisfaction that such permission is necessary to enable the com-  
61 pany to provide safe, adequate and proper CATV service to its  
62 customers or subscribers in the manner required by this act, and  
62A that such location or installation will not adversely affect the public  
62B health, safety and welfare.

63 f. The director shall issue a certificate to any CATV company  
64 lawfully engaged in the construction, extension or operation of a  
65 CATV system on the effective date of this act, for the construction,  
66 extension or operation then being conducted, without further re-

view, if application for such certificate is filed with the \*\*\*[di-  
 rector]\*\*\* \*\*\*board\*\*\* within 90 days after such effective date.  
 The construction, extension or operation of such a CATV system  
 may be lawfully continued pending the filing of such an application  
 unless the director orders otherwise. An application for such  
 certificate which is untimely shall be determined in accordance  
 with the procedures prescribed in subsections a. through d. of this  
 section. A certificate issued under this subsection shall expire 5  
 years from the date of issuance; and no CATV company holding  
 such certificate shall be authorized to continue its operations after  
 such expiration unless prior thereto it shall have obtained a cer-  
 tificate under the procedures specified in subsections a. through d.  
 of this section\*\*, *except that such a CATV company which has*  
*initiated proceedings for certification under subsections a. through*  
*d. of this section prior to the expiration of a certificate granted*  
*under this subsection may continue its operations pending the final*  
*disposition of such proceedings\*\*.* An application pursuant to  
 this subsection shall be accompanied by a filing fee of \$50.00.

\*\*\*[19.]\*\*\* \*\*\*18.\*\*\* a. Any hearing held pursuant to the pro-  
 visions of section \*\*\*[17]\*\*\* \*\*\*16\*\*\* or section \*\*\*[18]\*\*\*  
 \*\*\*17\*\*\* of this act shall be open to the public, and notice  
 thereof shall be published by the director at least 10 days prior  
 thereto in a newspaper of general circulation, (1) if the hearing  
 is upon application for certification, in each municipality com-  
 prised, in whole or part, in the area for which certification is  
 sought, or (2) if the hearing is upon an application under sub-  
 section e. of section \*\*\*[18]\*\*\* \*\*\*17\*\*\*, in each municipality  
 comprised in whole or part, in the certificated area or area for  
 which certification is sought, of the CATV system of the applicant  
 CATV company, and also each other municipality whose refusal  
 of municipal action or authorization is involved in the application.

b. Every municipality may intervene in any hearing or investi-  
 gation held \*\*\*[by the director]\*\*\* \*\*\*under the authority of this  
 act\*\*\* which involves rates, charges, services or facilities affect-  
 ing the municipality or the public within the municipality.

c. For the purpose of defraying the administrative expenses of  
 hearings held pursuant to section \*\*\*[17 or 18]\*\*\* \*\*\*16 or 17\*\*\*  
 of this act, the applicant CATV company shall be required to pay  
 to the Office of Cable Television a fee not in excess of \$50.00 per  
 day of hearing or fraction thereof, according to such fee schedule  
 as the director shall from time to time adopt by rule. Such fee  
 shall be in addition to any filing fee imposed pursuant to sections

24 \*\*\*[18 and 19]\*\*\* \*\*\*17 and 18\*\*\* of this act; the amount shall  
 25 be due and payable upon presentation of an invoice.

26 d. All fees and charges collected under the provisions of section  
 27 \*\*\*[17, 18 or 19]\*\*\* \*\*\*16, 17 or 18\*\*\* of this act shall be received  
 28 by the director for the sole use of the State, and he shall report  
 29 on and return to the State Treasurer all such fees and charges  
 30 collected by him.

1 \*\*\*[20.]\*\*\* \*\*\*19.\*\*\* A certificate of approval issued by the  
 2 \*\*\*[director]\*\*\* \*\*\*board\*\*\* shall be nontransferable, except by  
 2A consent of the \*\*\*[director]\*\*\* \*\*\*board\*\*\*; shall specify  
 3 the area to which it applies and the municipal consents upon which  
 4 it is based, and shall be valid for 15 years from the date of issuance  
 5 or until the expiration, revocation, termination or renegotiation  
 6 of any municipal consent upon which it is based, whichever is  
 7 sooner. But amendment of the terms of a municipal consent by  
 8 mutual consent and in conformity with the procedures specified in  
 9 this act during the term for which it was issued shall not require  
 10 the issuance of a new certificate of approval. A CATV company  
 11 holding a certificate based upon a municipal consent with a pro-  
 12 vision for automatic renewal for a term not exceeding 10 years  
 13 beyond its expiration date shall be entitled to automatic reissuance  
 14 of a certificate for such term, unless it shall forfeit such entitle-  
 15 ment by violation of any terms of this act, regulations issued pur-  
 16 suant thereto, or by the terms of the municipal consent.

1 \*\*\*[21.]\*\*\* \*\*\*20.\*\*\* a. Upon obtaining the prior approval  
 2 of the \*\*\*[director]\*\*\* \*\*\*board\*\*\*, a CATV company  
 3 may construct and maintain the wires, cables, and con-  
 3A duits necessary to its business upon, under or over any  
 4 highway, and may erect and maintain the necessary fixtures, in-  
 5 cluding poles and posts, for sustaining such wires and cables; pro-  
 6 vided, however, that such wires, cables and fixtures shall be so  
 7 placed or constructed as not to unreasonably inconvenience public  
 8 travel on the highway or the use thereof by public utilities or other  
 9 persons or organizations having rights therein.

10 b. Whenever the \*\*\*[office, with the agreement of the]\*\*\*  
 11 Board \*\*\*[of Public Utility Commissioners in any case involving  
 12 a public utility,]\*\*\* shall find that public convenience and  
 13 necessity require the use by a CATV company or a public utility  
 14 of the wires, cables, conduits, poles or other equipment, or any  
 15 part thereof, on, over or under any highway \*\*\*or any right-of-  
 16 way\*\*\* and belonging to another CATV company or public util-  
 17 ity, and that such use will not result in injury to the owner or other  
 18 users of such equipment \*\*\*or any right-of-way\*\*\* or in any



19 substantial detriment to the service, and that such CATV com-  
 20 panies or public utilities have failed to agree upon such use or the  
 21 terms and conditions or compensation for the same, the office may  
 22 order that such use be permitted and prescribe a reasonable com-  
 23 pensation and reasonable terms and conditions for the joint use.  
 24 If such use is ordered, the CATV company or public utility to  
 25 which the use is permitted shall be liable to the owner or other  
 26 users of such equipment for such damage as may result therefrom  
 27 to the property of such owner or other users thereof.

1     \*\*\*[22.]\*\*\* \*\*\*21.\*\*\* Upon the prior approval of the \*\*\*[office,  
 2 with the agreement of the]\*\*\* Board \*\*\*[of Public Utility  
 3 Commissioners in any case where a public utility is  
 4 involved]\*\*\*, any person may lease or rent or otherwise make  
 5 available facilities \*\*\*or rights-of-way\*\*\*, including pole space,  
 6 to a CATV company for the redistribution of television signals  
 7 to or toward the customers or subscribers of such CATV company.  
 8 Any lease, rental or other method of making available such facili-  
 9 ties \*\*\*or rights-of-way\*\*\*, including pole space, which is in  
 10 effect on the effective date of this act and which will be in effect  
 11 for a period of more than 120 days after the effective date of this  
 12 act shall be submitted to the \*\*\*[office]\*\*\* \*\*\*board\*\*\* for ap-  
 13 proval within 120 days after the effective date of this act, and if  
 14 such lease or rental or other method is disapproved by the  
 15 \*\*\*[office]\*\*\* \*\*\*board\*\*\* it shall thereupon become void. The  
 16 terms and conditions, including rates and charges to the CATV  
 17 company, imposed by any public utility under any such lease,  
 18 rental or other method of making available such facilities \*\*\*or  
 19 rights-of-way\*\*\*, including pole space, to a CATV company shall  
 20 be subject to the jurisdiction of the Board of Public Utility Com-  
 21 missioners in the same manner and to the same extent that rates and  
 22 charges of public utilities generally are subject to the board's  
 23 jurisdiction by virtue of the appropriate provisions of Title 48 of  
 24 the Revised Statutes.

#### ARTICLE V

1     \*\*\*[23.]\*\*\* \*\*\*22.\*\*\* In any case where a CATV company  
 2 operates or proposes to operate in a municipality or municipalities  
 3 where facilities are to be placed in, along, beneath or over high-  
 4 ways and other public places, no certificate of approval for such  
 5 operation shall be issued without a municipal consent being first  
 6 granted therefor by resolution of the municipal governing body.

1     \*\*\*[24.]\*\*\* \*\*\*23.\*\*\* a. Application for a municipal consent  
 2 required under section \*\*\*[23]\*\*\* \*\*\*22\*\*\* of this \*\*\*[cat]\*\*\*

3 \*\*\*\*act\*\*\*\* shall be made by a CATV company by filing thereof,  
4 on forms prescribed by the director, with the clerk of the municipi-  
5 pality, with a duplicate thereof to be filed with the office. The  
6 application filed with the clerk of the municipality shall be ac-  
6A companied by a filing fee of \$100.00.

7 b. Upon receipt of such application, the municipal governing  
8 body shall schedule a hearing thereon, to be held not sooner than 60  
9 nor later than 90 days after the filing of such application. Said  
10 hearing may be adjourned from time to time, but not to any date  
11 later than 30 days from the date upon which it was first convened.

12 c. Notice of the receipt of such application, and of the hearing  
13 scheduled thereon, shall be published in at least one newspaper of  
14 general circulation in the municipality not later than the forty-fifth  
15 day prior to such hearing, and again not sooner than the fourteenth  
16 day nor later than the seventh day prior to such hearing. Addi-  
17 tional applications may be received by the municipality until the  
18 fifteenth day prior to the hearing. Said notices shall specify:

19 (1) the identity of the applicant or applicants;  
20 (2) the time and place of the hearing;  
21 (3) the place at which and time within which applications filed  
22 with the municipal clerk may be examined by residents of the  
23 municipality and other interested parties.

24 d. The municipal governing body shall within 30 days after the  
25 conclusion of the hearing make a decision regarding the application  
26 or applications before it, and shall issue a written report of such  
27 decision, detailing the reasons therefor, one copy of which shall be  
28 filed with the municipal clerk and another copy with the office,  
29 which shall be a public record.

30 e. Pursuant to such decision, the municipal governing body may  
31 reject all applications before it or may issue municipal consents to  
32 one or more applicants. But no municipal consent or consents shall  
33 be granted \*\*\*[unlss]\*\*\* \*\*\*unless\*\*\* it or they contain, singly  
34 or in combination, provisions for the eventual extension of CATV  
35 service, upon a reasonable time schedule, to all parts of the terri-  
35A tory of the municipality.

36 f. For the purpose of defraying the administrative expenses  
37 of hearings held pursuant to this section, the applicant shall be  
38 required to pay to the municipality a fee not exceeding \$50.00 per  
39 day of hearing or fraction thereof, according to such fee schedule  
40 as the director shall from time to time adopt by rule. Such fee shall  
41 be in addition to the filing fee required under subsection a. of this  
42 section; the amount shall be due and payable upon presentation  
43 of an invoice.

44 g. All fees and charges imposed under this section shall be paid  
 45 by the applicant to the municipal clerk, for the sole use of the  
 46 municipality, and the clerk shall report on and return to the chief  
 47 fiscal officer of the municipality all such fees and charges collected  
 48 by him.

1 \*\*\*[25.]\*\*\* \*\*\*24.\*\*\* Issuance of a municipal consent shall be  
 2 by \*\*\*[resolution]\*\*\* \*\*\*ordinance\*\*\* of the governing body,  
 3 which shall have annexed thereto and incorporated therein the  
 4 application filed therefor. All engagements and representations  
 5 made by the CATV company in such application shall, except as  
 6 expressly modified by the terms of the \*\*\*[resolution]\*\*\*  
 7 \*\*\*ordinance\*\*\*, be binding upon the company as terms for  
 7A the holding and use of the municipal consent, if the company  
 8 accepts in writing within 10 days of the issuance of such consent  
 9 with all the terms and conditions thereof as approved by the mu-  
 10 nicipal governing body; but a consent not so accepted shall be void.

1 \*\*\*[26.]\*\*\* \*\*\*25.\*\*\* A municipal consent issued pursuant to  
 2 this act shall conform in form and substance to all  
 3 requirements of this act and of rules, regulations and  
 3A orders duly promulgated by the director. It shall specify  
 4 with particularity the territory to which it applies, and the  
 5 term for which it is issued. Such term shall not exceed 15 years;  
 6 but provision may be included for automatic renewal at the expira-  
 7 tion thereof for an additional term not exceeding 10 years unless  
 8 either the municipality or the company shall not later than 60 days  
 9 before the expiration of the initial term serve upon the other party  
 10 notice of its intention not to accept such renewal. No CATV com-  
 11 pany whose municipal consent or renewal thereof has expired shall  
 12 be authorized to continue its operations unless prior to such expira-  
 13 tion it has obtained a certificate of approval from the \*\*\*[di-  
 14 rector]\*\*\* \*\*\*board\*\*\* authorizing such continued operation\*\*,  
 15 *except that such a CATV company which has initiated proceed-*  
 16 *ings to obtain such certification from the \*\*\*[director]\*\*\**  
 16A *\*\*\*board\*\*\* prior to the expiration of the municipal consent*  
 17 *may continue its operations pending the final disposition of such*  
 18 *proceedings\*\*.*

1 \*\*\*[27.]\*\*\* \*\*\*26.\*\*\* a. \*\*\*[A resolution]\*\*\* \*\*\*An ordi-  
 2 nance\*\*\* issuing a municipal consent pursuant to this act shall  
 3 designate some officer, office, bureau or other agency of the munici-  
 4 pal government as "complaint officer" to receive and act upon  
 4A complaints by subscribers to cable television reception  
 5 service of the CATV company to which such consent is issued;  
 6 and shall provide for the establishment of procedures and methods

7 by which such complaints shall be received, processed and acted  
 8 upon, for the \*\*\*\*[arbitration]\*\*\*\* \*\*\*\*resolution\*\*\*\* and settle-  
 9 ment of complaints and disputes between such subscribers and the  
 10 company, and for the enforcement of decisions made by such "com-  
 11 plaint officer." All complaints by such subscribers alleging inade-  
 12 quate, unsafe or improper service or failure by the company to  
 13 comply with the terms of the municipal consent shall be made in  
 14 the first instance to such "complaint officer." The "complaint  
 15 officer" shall within 30 days of the receipt of such a complaint  
 16 report in writing to the subscriber the disposition or status of his  
 17 complaint. Any subscriber or CATV company aggrieved by the  
 18 action of a "complaint officer" in connection with such complaint  
 19 or dispute, or any subscriber who shall not have received the  
 20 written report required under this section within 30 days, may  
 21 petition the office for a hearing upon said complaint, under the  
 22 rules promulgated by the director for the hearing and disposition  
 23 of such matters.

24 b. Any municipality may, in lieu of complying with the terms  
 25 of subsection a. of this section, provide in the \*\*\*\*[resolution]\*\*\*\*  
 26 \*\*\*\*ordinance\*\*\*\* issuing its municipal consent that complaints  
 27 by local subscribers to cable television reception service shall be  
 28 filed directly with the office, which shall thereupon be deemed the  
 29 "complaint officer" for purposes of this section.

30 c. Each CATV company receiving a municipal consent shall pro-  
 31 vide to each subscriber to its cable television reception service, at  
 32 the time of his becoming a subscriber and at least once in each  
 33 calendar year thereafter while he remains a subscriber, \*\*[in writ-  
 34 ing and]\*\* in a form approved by the director, information as to the  
 35 identity of the "complaint officer," of the identity and location  
 36 of the local business office or agent required under subsection d.  
 37 of this section, and of the procedure to be followed in making and  
 38 pursuing complaints to the "complaint officer" or the office pur-  
 39 suant to this section.

40 d. A municipal consent issued pursuant to this act shall require  
 41 that the CATV company to which it is issued shall maintain a local  
 42 business office or agent for the purpose of receiving, investigating  
 43 and resolving all complaints regarding the quality of service, equip-  
 44 ment malfunctions, and similar matters.

1 \*\*\*\*[28.]\*\*\*\* \*\*\*\*27.\*\*\*\* Whenever a CATV company shall  
 2 apply to a municipality for the municipal consent re-  
 3 quired under this act, the municipal governing body  
 3A may, before acting upon such application, require the  
 4 applicant to submit to the director such information as to said

5 applicant's financial responsibility, technical competency and gen-  
6 eral fitness to provide the CATV service proposed in such applica-  
7 tion as may enable the director to advise the municipality, in a  
8 preliminary way and without prejudice to any future determination  
9 which the director may be required to make pursuant to a grant of  
10 municipal consent, whether such applicant appears to be a fit  
11 subject of consideration for such a consent.

1 \*\*\*[29.]\*\*\* \*\*\*28.\*\*\* In addition to whatever other informa-  
2 tion may be required by the director under duly promulgated  
3 rules and regulations to be contained in any application for a  
4 municipal consent, each such application shall contain:

- 5 a. A description of the area to be served.
- 6 b. A description of the proposed service in terms of the number  
7 of channels of cable television reception service \*\*[and the types of  
8 programming thereon]\*\*.
- 9 c. Sufficient evidence that the applicant company has the financial  
10 and technical capacity and the legal, character and other qualifica-  
11 tions to construct, maintain and operate the necessary installa-  
12 tions, lines and equipment and to provide the service proposed in a  
13 safe, adequate and proper manner.
- 14 d. Evidence of sufficient bond, or commitment therefor, with  
15 sureties to be approved by the municipality, in the penal sum of not  
16 less than \$25,000.00 for the faithful performance of all under-  
17 takings by the company as represented in the application; the  
18 sufficiency of which shall be subject to review by the director  
18A *\*\*\*and approval by the board\*\*\**.
- 19 e. An undertaking to hold the municipality harmless from any  
20 liability arising out of the company's operation and construction  
21 of its CATV system.

22 f. Evidence of sufficient insurance insuring the municipality and  
23 the company with respect to all liability for any death, personal  
24 injury, property damage or other liability arising out of the com-  
25 pany's construction and operation of its CATV system; the  
26 sufficiency of which shall be subject to review by the director  
27 *\*\*\*and approval by the board\*\*\**. Such insurance shall  
27A be in the minimum amounts of (1) \$150,000.00 for  
28 bodily injury or death to any one person, within the limit, how-  
29 ever, of \$500,000.00 for bodily injury or death resulting from any  
30 one accident, (2) \$100,000.00 for property damage resulting from  
31 any one accident, and (3) \$50,000.00 for all other types of liability.

32 g. A schedule of proposed rates for cable television reception  
33 service, which rates shall not be altered during the term for which  
34 the municipal consent is issued, except by *\*\*\*[mutual consent of*

35 the company and the municipality and through amendment of the  
 36 resolution issuing]\*\*\*\* application to the board for amend-  
 37 ment of the terms and conditions of\*\*\*\* said consent after public  
 38 hearing, subject to the rules of the office \*\*\*[and]\*\*\*\*,\*\*\*\* re-  
 39 view \*\*\*[and approval]\*\*\*\* by the director \*\*\*\*and approval by  
 40 the board\*\*\*\*, or amendment pursuant to the provisions of sub-  
 41 section c. of section \*\*\*[17]\*\*\*\* \*\*16\*\*\*\* of this act or subsection  
 42 b. of section \*\*\*[12]\*\*\*\* \*\*11\*\*\*\* of this act.

1 \*\*\*[30.]\*\*\*\* \*\*29.\*\*\*\* All proposals and representations  
 2 included in an application for municipal consent shall  
 3 conform to applicable rules and regulations of the office;  
 4 except \*\*\*\*[(a)]\*\*\*\* that nothing in this act shall be construed  
 4A to prevent an applicant from exceeding minimum re-  
 5 quirements set by the office, or offering facilities and services not  
 6 required or forbidden by such rules and regulations\*\*\*\*[, and (b)  
 7 that municipalities may in issuing such municipal consents and in  
 8 regulating the exercise thereof impose such restrictions upon the  
 9 use of streets, standards of construction, safety regulations and  
 10 other such matters as may in their judgment be required for the  
 11 public health, safety and welfare, in addition to any requirements  
 12 imposed by or pursuant to this act]\*\*\*\*.

1 \*\*\*[31.]\*\*\*\* \*\*30.\*\*\*\* a. In consideration of a municipal  
 2 consent issued under this section, the CATV company  
 3 to which it is issued shall pay to the municipality grant-  
 3A ing the same, in lieu of all other franchise taxes and  
 4 municipal license fees, a sum equal to 2% of the gross revenues  
 5 from all recurring charges in the nature of subscription fees paid  
 6 by subscribers to its cable television reception service in such  
 7 municipality. Each CATV company shall, on or before the twenty-  
 8 fifth day of \*\*January\*\* each \*\*[month]\*\* \*\*year\*\*, file with the  
 9 chief fiscal officer of each municipality in the territory in which  
 10 it is certificated to operate a statement, verified by oath, showing  
 11 the gross receipts from such charges, and shall at the same time  
 12 pay thereon to said chief fiscal officer the 2% charge hereby im-  
 13 posed as a \*\*[monthly]\*\* \*\*yearly\*\* franchise revenue for the use  
 13A of the streets.

14 b. Any CATV company which, pursuant to any agreement in  
 15 effect prior to the date of this act, paid or had agreed to pay to any  
 16 municipality in fees or other charges in consideration of the consent  
 17 of such municipality to the use of streets, alleys and public places  
 18 thereof for the installation and operation of a CATV system, or

19 similar consideration, a sum or rate exceeding that which it would  
 20 pay pursuant to this section shall, in applying for a certificate  
 21 (other than the certificate granted pursuant to subsection f. of  
 22 section \*\*\*[18]\*\*\* \*\*\*17\*\*\* of this act) show to the satisfaction  
 23 of the \*\*\*[director]\*\*\* \*\*\*board\*\*\* that the reduction  
 23A in such payments effectuated by the application of  
 24 this section shall be reflected in (1) commensurate reduction of  
 25 rates to subscribers to cable television reception service or (2) com-  
 26 mensurate improvements in such service made available to such  
 27 subscribers. If the \*\*\*[director]\*\*\* \*\*\*board\*\*\* is not so  
 28 satisfied \*\*\*[he]\*\*\* \*\*\*it\*\*\* shall amend, as excessive,  
 28A the rate schedule contained in the application so that  
 29 such rates shall be reduced to a degree commensurate with the  
 30 reduction in payments by the CATV company to the municipality.

31 c. A municipality may petition the \*\*\*[director]\*\*\*  
 32 \*\*\*board\*\*\* for permission to charge a \*\*\*\*[\*\*\*monthly\*\*\*]\*\*\*\*  
 32A \*\*\*yearly\*\*\* franchise fee exceeding that prescribed in sub-  
 33 section a. of this section. A municipal consent setting such a fee in  
 34 excess of the amount prescribed in subsection a. of this section  
 35 shall be deemed to constitute such a petition when filed with the  
 36 \*\*\*[director]\*\*\* \*\*\*board\*\*\* pursuant to section \*\*\*[17]\*\*\*  
 37 \*\*\*16\*\*\* of this act as part of an application for certificate  
 38 of approval. A hearing pursuant to the provisions of section  
 39 \*\*\*[17]\*\*\* \*\*\*16\*\*\* shall be held upon any application containing  
 40 such petition, or upon any such petition separately filed, and at  
 41 such hearing full notice and opportunity to be heard upon the  
 42 matter shall be accorded to both the municipality and any CATV  
 43 company affected thereby. The \*\*\*[director]\*\*\* \*\*\*board after  
 44 such hearing and upon recommendation of the director\*\*\* may  
 45 grant such petition and allow the imposition of a franchise  
 46 revenue exceeding that prescribed in subsection a. of this section,  
 47 and at a rate to be prescribed by \*\*\*[him]\*\*\* \*\*\*the board\*\*\*,  
 48 when \*\*\*[he]\*\*\* \*\*\*the board\*\*\* is satisfied that the same is  
 49 warranted by the expenses to the municipality with respect to  
 50 the regulation or supervision within its territory of cable tele-  
 51 vision, or any other expenses caused by the existence and opera-  
 52 tion within its territory of cable television.

#### ARTICLE VI

1 \*\*\*[\*32.]\*\*\* \*\*\*31.\*\*\* *It is unlawful for a member of a municipi-*  
 2 *pal governing body or any other officer or employee of a municipi-*  
 3 *palty to acquire any interest, direct or indirect, in a CATV com-*  
 4 *pany which has applied for or received a municipal consent from*  
 5 *such municipality pursuant to this act; or to participate in any*

6 *municipal action or deliberation upon such an application by a*  
7 *CATV company in which he owns or controls any such interest.\**

1 \***[32.]**\* \*\*\***[\*33.\*]**\*\*\* \*\*\*32.\*\*\* To enable the office to per-  
2 form its lawful duties and responsibilities relating to the regu-  
3 lation of CATV companies, the director shall annually make an  
4 assessment against each CATV company, which shall be in lieu  
5 of all other fees and charges for the regulatory and supervisory  
6 functions of the office, except those fees imposed pursuant to sec-  
7 tions \*\*\***[17, 18 and 19]**\*\*\* \*\*\*16, 17 and 18\*\*\* of this act.

1 \***[33.]**\* \*\*\***[\*34.\*]**\*\*\* \*\*\*33.\*\*\* The assessment shall be  
2 equal to a percentage of the gross operating revenues of all  
3 CATV companies under the jurisdiction of the office derived from  
4 intrastate operations during the preceding calendar year at a  
5 rate to be determined annually by the office on or before June 30  
5A in the following manner:

6 The total amount appropriated to the office by law for its general  
7 purposes for its next fiscal year, less revenue derived from fees  
8 under sections \*\*\***[17, 18 and 19]**\*\*\* \*\*\*16, 17 and 18\*\*\*  
9 during the preceding calendar year, shall be divided  
9A by the total amount of the gross operating revenues  
10 of all CATV companies under the jurisdiction of the office derived  
11 from intrastate operations during the preceding calendar year. The  
12 quotient resulting shall constitute the percentage rate of the assess-  
13 ment for the calendar year in which such computation is made.  
14 The total amount so assessed to any particular CATV company  
15 shall not exceed 2% of its gross operating revenue subject to  
16 assessment hereunder.

1 \***[34.]**\* \*\*\***[\*35.\*]**\*\*\* \*\*\*34.\*\*\* a. Such assessment shall be  
2 levied not later than July 1, and shall be paid within 30 days  
3 after mailing by registered mail to any CATV company of notice  
4 thereof and a statement of the amount. Each CATV company  
5 shall, on or before June 1, file with the office, under oath, a state-  
6 ment showing its gross operating revenues derived from intrastate  
7 operations during the preceding calendar year.

8 b. Within 15 days after the date of mailing a statement as  
9 provided in this section, the CATV company against which the  
10 statement is rendered may file with the director its objections  
11 thereto. Not less than 30 nor more than 60 days after giving notice  
12 thereof to the objector the director shall hold a hearing on the  
13 objections.

14 c. If after the hearing the director finds any part of the charge  
15 against the objecting CATV company excessive, erroneous, unlaw-



16 ful or invalid, he shall transmit to the objector, by registered mail,  
 17 an amended statement in accordance with the findings, which shall  
 18 have the same force and effect as an original statement. If the  
 19 director finds the entire statement unlawful or invalid, he shall  
 20 notify the objector, by registered mail, of such determination, and  
 21 the original statement shall be null and void. If the director finds  
 22 that the statement as rendered is not excessive, erroneous, unlawful  
 23 or invalid, he shall notify the objector, by registered mail, of such  
 24 determination.

25 d. If a statement against which objections are filed is not paid  
 26 within 30 days after mailing to the objector notice of a finding that  
 27 the objections have been disallowed, or if an amended statement is  
 28 not paid within 30 days after a copy thereof is mailed to the ob-  
 29 jector, the director shall give notice of the delinquency to the State  
 30 Treasurer and to the objector, and the State Treasurer shall pro-  
 31 ceed to make the collection.

32 e. No action for recovery of an amount paid under the terms of  
 33 sections ~~\*\*\*[32]\*\*\*~~ ~~\*\*\*31\*\*\*~~ through ~~\*\*\*[35]\*\*\*~~ ~~\*\*\*34\*\*\*~~ of  
 34 this act shall be maintained in any court unless objections have  
 35 been filed with the director. In an action for recovery of any  
 36 payments, plaintiff may raise any relevant issue of law, but the  
 37 director's findings of fact shall be prima facie evidence of the facts  
 37A therein stated.

38 f. No action or proceeding shall be maintained in any court for  
 39 the purpose of restraining or delaying the collection or payment of  
 40 a statement of assessment rendered in accordance with the pro-  
 41 visions of this act. A CATV company against which a statement is  
 42 rendered shall pay the amount thereof, and after the payment may  
 43 in the manner provided in this act at any time within 2 years from  
 44 the date of the payment, bring against the State an action at law to  
 45 recover the amount paid, with legal interest thereon from the date  
 46 of payment, upon the ground that the assessment was excessive,  
 47 erroneous, unlawful or invalid in whole or part.

48 g. The procedure provided in this section for determining the  
 49 lawfulness of statements and the recovery of payments made pur-  
 50 suant to statements of assessments shall be exclusive of all other  
 51 remedies and procedures.

1 ~~\*\*\*[35.]\*\*\*~~ ~~\*\*\*[36.]\*\*\*~~ ~~\*\*\*35.\*\*\*~~ a. If any CATV company to  
 2 which a statement for the amount assessed against it as provided  
 3 in this act has been rendered fails or refuses to pay the amount  
 4 within 15 days, or fails to file with the director objections to the  
 5 statement as provided in section ~~\*\*\*[34]\*\*\*~~ ~~\*\*\*33\*\*\*~~ of this act,

6 the director shall transmit to the State Treasurer a certified copy  
7 of the statement of the assessment together with notice of he  
8 neglect or refusal of the CATV company to pay the amount  
9 thereof, and at the same time shall mail to the CATV company a  
10 copy of the notice transmitted to the State Treasurer.

11 b. Within 10 days after receipt of the notice and certified copy  
12 of the statement, the State Treasurer shall proceed to collect the  
13 amount stated to be due, with legal interest, by seizure and sale  
14 of any goods or chattels, including stocks, securities, bank accounts,  
15 evidences of debt and accounts receivable belonging to the CATV  
16 company anywhere within the State.

#### ARTICLE VII

1 \***[36.]**\* \*\*\***[\*37.\*]**\*\*\* \*\*\*36.\*\*\* a. Each CATV company shall  
2 provide safe, adequate and proper service, equipment and facil-  
3 ities for the operation of its CATV system.

4 b. No CATV company shall demand or receive a greater or less  
5 or different compensation for providing CATV service than the  
6 rates and charges specified in the tariff in effect at the time.

7 c. Every CATV company and other person and organization  
8 shall obey and comply with every rule and regulation and order  
9 adopted or issued by the director.

1 \***[37.]**\* \*\*\***[\*38.\*]**\*\*\* \*\*\*37.\*\*\* No CATV company shall aban-  
2 don all or any part of its system or other property necessary or  
3 useful in the performance of its duties to the public, or discontinue  
4 or temporarily suspend all or any part of the service which it is  
5 rendering to the public by the use of same, without first obtaining  
6 the approval of the \*\*\***[director]**\*\*\* \*\*\***board**\*\*\*. In granting  
7 such approval, the \*\*\***[director]**\*\*\* \*\*\***board**\*\*\* may impose  
8 such terms, conditions or requirements as in \*\*\***[his]**\*\*\* \*\*\***its**\*\*\*  
9 judgment are necessary to protect the public interest.

1 \***[38.]**\* \*\*\***[\*39.\*]**\*\*\* \*\*\*38.\*\*\* No CATV company shall com-  
2 bine, merge or consolidate with, or acquire control of, another  
3 organization without first obtaining the approval of the \*\*\***[di-**  
4 **rector]**\*\*\* \*\*\***board**\*\*\*, which shall be granted only after an in-  
5 vestigation and finding that such proposed combination, merger,  
6 consolidation or acquisition is in the public interest.

1 \***[39.]**\* \*\*\***[\*40.\*]**\*\*\* \*\*\*39.\*\*\* No CATV company shall:

2 a. Adopt, maintain or enforce any regulation, practice or  
3 measurement which shall be unjust, unreasonable, unduly preferen-  
4 tial, arbitrarily or unjustly discriminatory or otherwise in viola-  
5 tion of law;

6 b. Provide or maintain any service that is unsafe, improper  
7 or inadequate, or withhold or refuse any service which reasonably

8 can be demanded or furnished;

9 c. Refuse to furnish or supply service to or for any building or  
10 premises by reason of a bill remaining unpaid by a previous occu-  
11 pant, providing the person applying for service shall not be in  
12 arrears to such company for service previously furnished to or for  
13 such building or premises or furnished to or for any other building  
14 or premises;

15 d. Make or give, directly or indirectly, any undue preference  
16 or advantage to any person, locality or particular description of  
17 traffic, or subject any particular person, locality or particular  
18 description of traffic to any prejudice or disadvantage.

1 \***[40.]**\* \*\*\***[\*41.\*]**\*\*\* \*\*\*40.\*\*\* No CATV company shall,  
2 without the approval of the \*\*\***[director]**\*\*\* \*\*\***board**\*\*\*,  
2A sell, lease, mortgage or otherwise dispose or encumber  
3 its property, franchises, privileges or rights, or any part thereof;  
4 or merge or consolidate its property, franchises, privileges or  
5 rights, or any part thereof, with that of any other CATV company.  
6 Every sale, mortgage, lease, disposition, encumbrance, merger or  
7 consolidation made in violation of this section shall be void.  
8 Nothing herein shall prevent the sale, lease or other disposition  
9 by any CATV company of any of its property in the ordinary  
10 course of business, nor require the approval of the \*\*\***[di-**  
11 **rector]**\*\*\* \*\*\***board**\*\*\* to any grant, conveyance or release or  
12 any property or interest therein heretofore made or hereafter to  
13 be made by any CATV company to the United States, the State  
14 or any county or municipality or any agency, authority or sub-  
15 division thereof, for public use. The approval of the \*\*\***[di-**  
15A **rector]**\*\*\* \*\*\***board**\*\*\* shall not be required to validate the title  
16 of the United States, the State or any county or municipality or  
17 any agency, authority or subdivision thereof, to any lands or  
18 interest therein heretofore condemned or hereafter to be con-  
19 demned by the United States, the State or any county or munici-  
20 pality or any agency, authority or subdivision thereof for public  
21 use.

1 \***[41.]**\* \*\*\***[\*42.\*]**\*\*\* \*\*\*41.\*\*\* Except with the approval in  
2 writing of the \*\*\***[director]**\*\*\* \*\*\***board**\*\*\* first had and  
2A obtained, no CATV company shall loan any of its money  
3 or property to any other person owning, holding or controll-  
4 ing, separately or in affiliation with others, 5% or more of the capital  
5 stock of any such CATV company, or to any corporation 5% or  
6 more of the capital stock of which is owned, held or controlled by  
7 any person owning, holding or controlling, separately or in affilia-  
8 tion with others, 5% or more of the capital stock of such CATV  
9 company.

1 \***[42.]**\* \*\***[43.]**\* No CATV company shall:

- 2 a. Capitalize any franchise to be a corporation;  
 3 b. Capitalize any franchise in excess of the amount, exclusive  
 4 of any tax or annual charge, actually paid to the State or any  
 5 political subdivision thereof as the consideration of the franchise;  
 6 c. Capitalize any contract for consolidation, merger or lease; or  
 7 d. Issue any bonds or other evidence of indebtedness against or  
 8 as a lien upon any contract for consolidation, merger or lease.

9 Nothing herein shall prevent the issuance of stock, bonds, or  
 10 other evidence of indebtedness, subject to approval by the director,  
 11 by any lawfully merged or consolidated CATV company not in  
 12 contravention of this section.】\*\*

1 \***[43.]**\* \*\***[44.]**\*\* \*\*\***[43.]**\*\* \*\*\***42.**\*\* No CATV com-  
 2 pany shall, unless it shall have first obtained authority from the  
 2A \*\*\***[director]**\*\*\* \*\*\**board*\*\*\* to do so:

- 3 a. Issue any stocks, bonds, notes or other evidence of indebted-  
 4 ness payable more than 12 months after the date or dates thereof,  
 5 or extend or renew any bond, note or other evidence of indebted-  
 6 ness so that any extension or renewal thereof shall be payable  
 7 later than 12 months after the date of the original instrument; or  
 8 b. Permit any demand note to remain unpaid for a period of  
 9 more than 12 months after the date thereof.

10 The \*\*\***[director]**\*\*\* \*\*\**board*\*\*\* shall approve any such pro-  
 11 posed issue, with or without hearing at \*\*\***[his]**\*\*\* \*\*\**its*\*\*\* dis-  
 12 cretion, when satisfied that such issue is to be made in accordance  
 13 with law and the purpose thereof is approved by the \*\*\***[di-**  
 14 **rector]**\*\*\* \*\*\**board*\*\*\*.

1 \***[44.]**\* \*\***[45.]**\*\* \*\*\***[44.]**\*\* \*\*\***43.**\*\* No CATV  
 2 company incorporated under the laws of this State shall sell, nor  
 3 shall any such CATV company permit to be made upon its books  
 4 any transfer of any share or shares of its capital stock to any  
 5 other CATV corporation, unless authorized to do so by the  
 5A \*\*\***[director]**\*\*\* \*\*\**board*\*\*\*. Nor shall any CATV com-  
 6 pany incorporated under the laws of this State sell any share  
 7 or shares of its capital stock or make or permit to be made upon its  
 8 books any transfer thereof to any corporation, domestic or foreign,  
 9 or any person, the result of which sale or transfer in itself or in con-  
 10 nection with other previous sales or transfers shall be to vest in  
 11 such corporation or person a majority in interest of the outstanding  
 12 capital stock of such CATV company, unless authorized to do so  
 13 by the \*\*\***[director]**\*\*\* \*\*\**board*\*\*\*.

1 \***[45.]**\* \*\***[46.]**\*\* \*\*\***[45.]**\*\* \*\*\***44.**\*\* The \*\*\***[di-**  
 2 **rector]**\*\*\* \*\*\**board*\*\*\* may, upon notice, by order in writing re-  
 2A quire every CATV company:

3 a. To keep its books, records and accounts so as to afford an  
4 intelligent understanding of the conduct of its business, and to that  
5 end require that every CATV company adopt a uniform system of  
6 accounting. Such system shall conform, insofar as in the judg-  
7 ment of the **\*\*\*[director]\*\*** **\*\*\*board\*\*\*** is practicable, to any  
8 system adopted or approved by any Federal regulatory agency  
8A having jurisdiction.

9 b. To carry, whenever in the judgment of the **\*\*\*[director]\*\***  
10 **\*\*\*board\*\*\*** it may be reasonably necessary for the protection  
11 of the stockholders, bondholders or creditors, a proper and ade-  
12 quate depreciation account in accordance with such rules and  
13 regulations as the **\*\*\*[director]\*\*** **\*\*\*board\*\*\*** may prescribe.  
14 The **\*\*\*[director]\*\*** **\*\*\*board\*\*\*** shall from time to time  
15 ascertain and determine, and by order in writing after  
15A hearing, fix proper and adequate rates of depreciation  
15B of the property of each CATV company in accordance  
16 with such regulations or classifications. Such rates shall  
17 be sufficient to provide the amounts required, over and above  
18 the expense of maintenance, to keep the property in a state of effi-  
19 ciency corresponding to the progress of the industry. Each CATV  
20 company shall conform its depreciation accounts to the rate so  
21 ascertained. Amounts so provided shall not be expended otherwise  
22 than for depreciation, improvements, new construction, replace-  
23 ments, extensions or additions to the property of the CATV com-  
24 pany or for the retirement of debt incurred in connection therewith.  
25 No CATV company shall, without the approval of the  
26 **\*\*\*[director]\*\*** **\*\*\*board\*\*\*** in writing first had and  
26A obtained, invest any part of its depreciation fund in  
27 obligations or securities of any kind, except obligations and  
28 securities that are legal investments for savings banks under the  
29 laws of this State, and except obligations and securities of the  
30 underlying or subsidiary CATV company corporations of this  
31 State, of such CATV company. Every CATV company shall at all  
32 times keep within this State all obligations and securities in which  
33 its depreciation fund is invested and reinvested. The  
34 **\*\*\*[director]\*\*** **\*\*\*board\*\*\*** may after hearing upon notice  
35 order any CATV company to dispose of any obligations  
35A or securities in which its depreciation fund is now or  
36 may hereafter be invested, except obligations and securities  
37 that are legal investments for savings banks under the laws of this  
38 State, and except obligations and securities of underlying or sub-  
39 sidiary CATV company corporations of this State, of such CATV  
40 company. Every CATV company shall deposit, and at all times

41 keep deposited in its own name and to its own credit and in a  
 42 banking or trust company located in this State, the balance of its  
 43 depreciation fund which is not expended or invested in accordance  
 44 with this subsection.

45 c. To furnish periodically a detailed report of finances and  
 46 operations in such form and containing such matters as the  
 47 \*\*\*[director]\*\*\* \*\*\*board\*\*\* may from time to time prescribe.

48 d. To give such notice to the office as the \*\*\*[director]\*\*\*  
 49 \*\*\*board\*\*\* may by rule require of any and all accidents  
 50 which may occur within the State upon the property  
 51 of any CATV company directly or indirectly arising from or con-  
 52 nected with its maintenance or operations, and the \*\*\*[director]\*\*\*  
 53 \*\*\*board\*\*\* may investigate any such accident and make such  
 54 order or recommendation with respect thereto as in his judgment  
 55 may be just and reasonable.

1 \* [46.] \* \*\* [47.] \*\* \*\*\* [46.] \*\*\* \*\* 45. \*\*\* a. Every CATV  
 2 company shall at all times keep within this State all records, books,  
 3 accounts, documents and other writings relating to contracts  
 4 entered into, transactions had, services rendered, business done  
 5 and property within this State, and shall at no time remove any  
 6 of such records, books, accounts, documents or writings from this  
 7 State without the consent in writing of the \*\*\*[director]\*\*\*  
 8 \*\*\*board\*\*\* first had and obtained. The \*\*\*[director]\*\*\*  
 9 \*\*\*board\*\*\* may by order in writing grant consent and permission  
 10 under such regulations and conditions as \*\*\*[he]\*\*\* \*\*\*it\*\*\*  
 11 may see fit to impose for the keeping of any such records, books,  
 12 accounts, documents and other writings outside the State in such  
 13 cases as \*\*\*[he]\*\*\* \*\*\*it\*\*\* may determine that such consent  
 14 or permission may be of financial advantage to the customers of  
 15 the CATV company within this State. Such consent or permission  
 16 so granted may be revoked by the \*\*\*[director]\*\*\* \*\*\*board\*\*\*  
 17 at any time without notice. A CATV company granted such con-  
 18 sent or permission shall on the notice in writing of the \*\*\*[di-  
 18A rector]\*\*\* \*\*\*board\*\*\* produce such records, books, accounts,  
 18B documents and other writings at such time and place within this  
 18C State as \*\*\*[he]\*\*\* \*\*\*it\*\*\* may designate.

19 b. Every CATV company shall file with the \*\*\*[director]\*\*\*  
 20 \*\*\*board\*\*\* a designation in writing of an agent, resident  
 21 of this State, who shall have the custody of such records,  
 22 books, accounts, documents and other writings, and  
 22A upon whom process for the protection of the same  
 23 may be served. Such designation shall set out the name of such  
 24 agent, his place of residence within the State and his place of

25 business. A CATV company may at any time revoke such designa-  
 26 tion if simultaneously a substituted designation be filed by it with  
 27 the \*\*\*[director]\*\*\* \*\*\*board\*\*\*.

28 e. Jurisdiction and power are hereby conferred upon the Superior  
 29 Court, at the suit of the \*\*\*[director]\*\*\* \*\*\*board\*\*\*, to enforce  
 30 compliance with this section through sequestration of, or the ap-  
 31 pointment of a receiver for, the property in this State of any CATV  
 32 company failing to comply with the same.

33 d. If for any cause service of process to produce such records,  
 34 books, accounts, documents or other writings cannot be effected  
 35 upon a designated agent, service may be made within this State  
 36 upon any officer, agent or employee of such CATV company having  
 37 custody or control of the same, or access thereto.

1 \* [47.] \* \*\* [48.] \*\* \*\*\* [47.] \*\*\* \*\*46.\*\*\* The \*\*\*[di-  
 2 rector]\*\*\* \*\*\*board\*\*\* and any officers or employees of the office  
 2A under \*\*\*[his]\*\*\* \*\*\*its\*\*\* direction may inspect and examine  
 3 all books, records, accounts, papers and memoranda kept by any  
 4 CATV company in respect of any matter within the office's juris-  
 5 diction and which would not be privileged in any judicial pro-  
 6 ceeding.

#### ARTICLE VIII

1 \* [48.] \* \*\* [49.] \*\* \*\*\* [48.] \*\*\* \*\*47.\*\*\* The \*\*\*[di-  
 2 rector]\*\*\* \*\*\*board\*\*\* may, after affording the holder an  
 2A opportunity to be heard, revoke, suspend or alter any  
 3 certificate of approval for the violation of any provisions of this  
 4 act or the rules, regulations or orders made under authority of this  
 5 act, or for other reasonable cause, upon a finding that the revoca-  
 6 tion, suspension or alteration will not adversely affect the public  
 7 interest in the provision of safe, adequate and proper cable tele-  
 8 vision service in this State.

1 \* [49.] \* \*\* [50.] \*\* \*\*\* [49.] \*\*\* \*\*48.\*\*\* The \*\*\*[di-  
 2 rector]\*\*\* \*\*\*board\*\*\* may, after affording an opportunity  
 2A for hearing, order a CATV company (1) to construct  
 3 and operate any reasonable extension of its existing CATV system  
 4 within the certified territory, (2) to make any reasonable repair or  
 5 improvement or addition to such system.

1 \*\*\* [50.] \*\*\* \*\*49.\*\*\* *No owner of any dwelling or his agent*  
 2 *shall forbid or prevent any tenant of such dwelling from receiving*  
 3 *cable television service, nor demand or accept payment in any form*  
 4 *as a condition of permitting the installation of such service in the*  
 5 *dwelling or portion thereof occupied by such tenant as his place of*  
 6 *residence, nor shall discriminate in rental charges or otherwise*  
 7 *against any such tenant receiving cable television service; provided,*

8 however, that such owner or his agent may require that the installa-  
 9 tion of cable television facilities conform to all reasonable condi-  
 10 tions necessary to protect the safety, functioning, appearance and  
 11 value of the premises and the convenience, safety and well-being of  
 12 other tenants; and further provided, that a cable television com-  
 13 pany installing any such facilities for the benefit of a tenant in any  
 14 dwelling shall agree to indemnify the owner thereof for any damage  
 15 caused by the installation, operation or removal of such facilities  
 16 and for any liability which may arise out of such installation,  
 17 operation or removal.\*\*

1 \*\*\*[\*\*51.\*\*\*]\*\*\* \*\*50.\*\* No cable television company shall be  
 2 liable to prosecution or for damages, directly or indirectly, arising  
 3 out of any suit for libel, slander, defamation of character, indecency,  
 4 invasion of privacy or any other cause of action arising from the use  
 5 of its facilities by any person to whom the use of such facilities is ex-  
 6 tended by the company in compliance with its obligations under  
 7 any State or Federal law, regulation or policy requiring that it  
 8 make such use available to members of the public.\*\*

1 \*50.\* \*\*51.\* \*\*52.\*\* \*\*51.\* a. Any person  
 2 or any officer or agent thereof who shall knowingly violate any  
 3 of the provisions of this act or aid or advise in such violation, or  
 4 who, as principal, manager, director, agent, servant or employee  
 5 knowingly does any act comprising a part of such violation, is  
 5A guilty of a misdemeanor.

6 b. Any person who shall violate any provision of this act or  
 7 any rule, regulation or order duly promulgated hereunder, shall  
 8 be liable to a penalty of not more than \$500.00 for a first offense,  
 9 not less than \$100.00 nor more than \$1,000.00 for a second offense,  
 10 and not less than \$500.00 nor more than \$1,000.00 for a third and  
 11 every subsequent offense. The penalties provided in this subsec-  
 12 tion shall be enforced by summary proceedings instituted by the  
 13 \*\*\*[director]\*\*\* \*\*\*board\*\*\* in the name of the State in accord-  
 14 ance with the "Penalty Enforcement Law" (N. J. S. 2A:58-1  
 15 et seq.). The Superior Court, County Court, county district court  
 16 and the municipal courts shall all have jurisdiction to enforce said  
 17 "Penalty Enforcement Law" in connection with this act.

18 c. Whenever it shall appear to the \*\*\*[director]\*\*\* \*\*\*board\*\*\*  
 19 that any person has violated, intends to violate, or will violate  
 20 any provisions of this act or any rule, regulation or order duly  
 21 promulgated hereunder, the \*\*\*[director]\*\*\* \*\*\*board\*\*\* may  
 22 institute a civil action in the Superior Court for injunctive relief  
 23 and for such other relief as may be appropriate in the circum-



24 stances, and the said court may proceed in any such action in a  
25 summary manner.

1     \*\*[52.]\*\* \*\*[\*53.\*\*]\*\*\* \*\*52.\*\* It is unlawful for any per-  
2 son to willfully or maliciously damage or cause to be damaged any  
3 wire, cable, conduit, apparatus or equipment of a company operat-  
4 ing a CATV system, or to commit any act with intent to cause  
5 such damage, or to tap, tamper with or connect any wire or device  
6 to a wire, cable, conduit, apparatus or equipment of a company  
7 operating a CATV system with intent to obtain a signal or impulse  
8 therefrom without authorization or compensation of such company,  
9 or to obtain cable television service with intent to cheat or defraud  
10 such company. Whoever violates any of the provisions of this sec-  
11 tion shall be subject to the penalties provided in section \*\*[51]\*\*  
12 \*\*52\*\* of this act, and in addition shall be liable for treble dam-  
13 ages in any civil action brought under authority of this section.\*

1     \*[51.]\* \*\*[\*53.\*]\*\* \*\*[\*54.\*\*]\*\*\* \*\*53.\*\* If any provision  
2 of this act or the application of such provision is held invalid for  
3 any reason, the remainder of this act or the application of the  
4 provision to other circumstances shall not be affected thereby.

1     \*[52.]\* \*\*[\*54.\*]\*\* \*\*[\*55.\*\*]\*\*\* \*\*54.\*\* Chapter 221 of  
2 the laws of 1971 (C. 40:58-5.5 et seq.), and all acts and parts of  
3 acts inconsistent with the provisions of this act are hereby repealed.

1     \*[53.]\* \*\*[\*55.\*]\*\* \*\*[\*56.\*\*]\*\*\* \*\*55.\*\* This act shall  
2 take effect \*\*\*\*[on the sixtieth day following the date of enactment,  
3 except that before that date any appointments authorized by this  
4 act may be made, and any administrative steps may be taken for  
5 the purposes of assuring the timely implementation of this  
6 act]\*\*\*\* \*\*immediately, provided however that no municipal  
7 consent or certificate of approval may be issued prior to the date  
8 on which the rules and regulations required by section 10 of this  
9 act first take effect. Such rules and regulations shall be promul-  
10 gated within 120 days following enactment\*\*\*\*.

TO: AEROX  
FROM: 17

SENATE TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
**SENATE, No. 840**

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**STATE OF NEW JERSEY**

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DATED: MAY 11, 1972

This act, known as the "Cable Television Act," is designed to promote and regulate cable television service in this State and implements the recommendations of the report of the commission to study community antenna television system regulation.

The act establishes an Office of Cable Television in the Department of Public Utilities, headed by a director appointed by the Governor with the advice and consent of the Senate. A Cable Television Advisory Council is also established to advise the director in the implementation of the provision of this act.

The act provides for shared control between municipalities and the Office of Cable Television for the establishment and regulation of cable television systems. Municipal consent is required for the operation of a system within a locality. Municipalities also establish rates for CATV service and supervise the local operation of the systems. The Office of Cable Television approves the franchise terms and procedures, may review and revise rates and other franchise terms and maintains general supervisory powers over all aspects of the operation and finances of cable systems in the State.

The act prescribes franchising procedures in some detail, and provides for public notices and hearings on all franchise applications. It outlines procedures by which complaints and disputes by or between CATV customers, municipalities and companies shall be investigated and adjusted.

The act provides for application fees and assessment provisions designed to make the regulatory system self-sustaining.

TO: XEROX

FISCAL NOTE TO  
**SENATE, No. 840**  
[THIRD OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: AUGUST 14, 1972

The Third Official Copy Reprint of Senate Bill No. 840 is designated the "Cable Television Act" and establishes an Office of Cable Television in the Department of Public Utilities to regulate cable television companies effectively in the public interest.

The Division of Budget and Accounting estimates that enactment of this legislation would require a net State expenditure of \$64,803.00 in fiscal 1972-73.

The division further estimates that enactment would cause surplus revenues to accrue to local governments in the amounts of \$120,845.00 in fiscal 1972-73, \$183,245.00 in fiscal 1973-74 and \$245,645.00 in fiscal 1974-75.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

OFFICE OF THE GOVERNOR

12/15/72

FOR RELEASE: IMMEDIATE

GOVERNOR WILLIAM T. CAHILL SIGNED INTO LAW TODAY A BILL REGULATING CABLE TELEVISION IN NEW JERSEY.

SENATE BILL 840, SPONSORED BY SENATOR HAROLD C. HOLLENBECK (R., BERGEN), ENDS AN 18-MONTH MORATORIUM ON THE ISSUANCE OF CABLE TV FRANCHISES AND PROVIDES FOR MUNICIPAL AND STATE PUBLIC UTILITY COMMISSION APPROVAL AND SUPERVISION.

CABLE TELEVISION, KNOWN AS CATV, IS A METHOD OF PIPING TELEVISION PROGRAMS DIRECTLY FROM THE STATION TO THE HOMES RATHER THAN THE ALTERNATE METHOD OF BROADCASTING FROM STATION ANTENNA TO HOME ANTENNA.

COMMENTING ON THE MEASURE, GOVERNOR CAHILL STATED THAT CATV HAS THE POTENTIAL TO INFLUENCE THE LIFE STYLE OF THE AVERAGE AMERICAN PERHAPS MORE THAN ANY CURRENTLY KNOWN TECHNICAL DEVELOPMENT BECAUSE OF ITS 100-CHANNEL CAPACITY AND ITS TWO-WAY SENDING AND RECEIVING CAPABILITY. "IT COULD, OVER THE NEXT 50 YEARS, DRAMATICALLY EFFECT EDUCATION, MERCHANDISING, GOVERNMENT, BUSINESS, TRANSPORTATION AND ENTERTAINMENT. FOR THESE REASONS, ECONOMICALLY SOUND AND TECHNICALLY COMPETENT OPERATIONS ARE DEFINITELY IN THE PUBLIC INTEREST," THE GOVERNOR SAID.

GOVERNOR CAHILL ADDED, THAT, "WHILE THIS BILL IS NOT PERFECT AND I'M CONFIDENT IT CAN BE IMPROVED FURTHER, THE PEOPLE OF NEW JERSEY HAVE TOO LONG BEEN DEPRIVED OF THE ADVANTAGES OF CATV, AND I BELIEVE THE BILL SHOULD BE SIGNED NOW. HOWEVER, I'M CERTAIN FURTHER REFINEMENTS ARE POSSIBLE IN THE FUTURE."

THE BILL PROVIDES THAT A COMPANY APPLYING FOR A CATV FRANCHISE MUST FIRST OBTAIN MUNICIPAL CONSENT BEFORE RECEIVING APPROVAL OF THE P.U.C. THE MUNICIPALITY WILL RECEIVE TWO PER CENT OF THE COMPANY'S ANNUAL GROSS REVENUES FROM OPERATIONS IN THE MUNICIPALITY AND THE P.U.C. MAY TAX AN ADDITIONAL TWO PER CENT TO COVER THE COST OF ADMINISTERING THE BILL.