

CHAPTER 232

AN ACT concerning notice of cable television rates and services and amending P.L.1972, c.186.

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

1. Section 11 of P.L.1972, c.186 (C.48:5A-11) is amended to read as follows:

C.48:5A-11 Rates, charges and classifications for services; filing; publication; notice; review; hearings; limitations on revenues; effective competition.

11. a. (1) The board, through the office, shall, consistent with federal law, prescribe just and reasonable rates, charges, and classifications for the services rendered by a CATV company.

(2) On an annual basis, a CATV company shall electronically file, using any reasonable means and format, a schedule of the CATV company's rates, terms, and conditions with the board and, as applicable, electronically file with the board any specific changes to the schedule of the CATV company's rates, terms, and conditions to the extent required by State or federal law.

b. The board shall, from time to time, cause the established rates and rate schedules of each CATV company for cable television reception service to be reviewed, and, if upon review, it shall appear to the board that, under federal law, the rates and rate schedules are or may be excessive, unreasonable, unjustly discriminatory, or unduly preferential, the board shall require the CATV company to establish to the board's satisfaction that the CATV company's rates are just, reasonable, and not excessive or unjustly preferential or discriminatory, and for that purpose, shall order the director to hold a hearing thereon. After a hearing upon notice and full opportunity to be heard afforded to the CATV company, the director may recommend amendment of the schedule of cable television reception service rates charged by that CATV company, and the amended schedule, if approved by the board, shall supersede and replace the schedule so amended.

c. Any hearing held pursuant to this section shall be open to the public, and notice thereof shall be published by the CATV company at least 10 days prior thereto in a newspaper or newspapers of general circulation in the certificated area wherein the rate schedule which is the subject of the hearing applies. Every municipality may intervene in any hearing held by the director pursuant to this section affecting the municipality or the public within the municipality.

d. A CATV company shall not derive from the operations of cable television reception service or cable communications systems any revenues other than the fees, charges, and rates provided for in subsection a. of this section and in subsection g. of section 28 of P.L.1972, c.186 (C.48:5A-28).

e. Whenever, pursuant to the provisions of P.L.1972, c.186 (C.48:5A-1 et seq.), the board or the director is required to determine whether any of the rates, charges, fees, and classifications of a CATV company are unjust, unreasonable, discriminatory, or unduly preferential, there shall be taken into consideration any fees which are charged for the use of a CATV system, or part thereof, as an advertising medium, or for services ancillary to that use, and from which the CATV system derives revenue, directly or indirectly, and the effect thereof upon, the CATV company's requirements for revenue from the fees, rates, charges, and classifications subject to the provisions of this section.

f. The provisions of this section shall not apply in any area where there is effective competition as that term is used in 47 U.S.C. s.543.

g. (1) Notwithstanding the provisions of this section, or any other law, rule, regulation, or order to the contrary, and consistent with federal law, the director shall not require a CATV company to: (a) provide subscribers with a copy of the CATV company's schedule of prices, rates, charges, and services; (b) post a copy of the CATV company's schedule of prices, rates, charges, and services in its local business office; or (c) provide subscribers or applicants for cable television reception service with an explanation, in non-technical terms, of the CATV company's products and services offered, or the prices, rates, charges, and provisions applicable to the services furnished or available to those subscribers or applicants, if the CATV company provides currently available prices, rates, charges, and services in an electronic format on the CATV company's Internet website in a clear, concise, and readily accessible manner, using any reasonable means and format, that accurately conveys the content of the CATV company's notices, and that allows its subscribers and applicants to thereafter make informed decisions based on the information contained in the postings on the CATV company's Internet website.

(2) A CATV company that elects to provide notices on the CATV company's Internet website pursuant to paragraph (1) of this subsection, in lieu of providing notices or explanations to subscribers or applicants, or posting notices in its local business office, shall: (a) provide an explanation to each of the CATV company's subscribers on their bill periodically, though not less than quarterly, of how subscribers are to obtain in written and electronic form the CATV company's currently available prices, rates, charges, and services; and (b) provide the CATV company's currently available prices, rates, charges, and services, upon request, to each of the CATV company's subscribers and applicants who are unable to access the Internet or are otherwise unable to obtain information from the CATV company's website via the Internet. Nothing in this section shall be construed to modify or expand a CATV company's existing obligations to provide information to the board under any other section of Title 48 of the Revised Statutes, to the extent that those obligations do not conflict with this section.

2. This act shall take effect immediately.

Approved January 17, 2014.