

ASSEMBLY, No. 5005

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires CATV companies to prorate subscriber's CATV service bills, to provide notice to subscribers of certain information, and to annually file terms and conditions with BPU for review.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain consumer protection requirements of
2 cable television service and supplementing and amending
3 P.L.1972, c.186 and amending P.L.1999, c.43.

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

7
8 1. (New section) a. The Legislature finds and declares that:

9 (1) New Jersey has endeavored to ensure fairness and
10 transparency in the provision of CATV service in this State by
11 enacting consumer protection laws and regulations intended to
12 assert a CATV subscriber's rights and by prohibiting any fraudulent
13 and deceptive business practices that may be made by a CATV
14 company;

15 (2) As a consumer protection issue, the State has an interest in
16 ensuring that the method in which a CATV company bills a CATV
17 subscriber is fair and transparent;

18 (3) Requiring a CATV company to prorate a CATV subscriber's
19 bill upon the establishment and termination of CATV service
20 safeguards a CATV subscriber from paying for CATV service that
21 the CATV subscriber is unable to receive; and

22 (4) Requiring a CATV company to prorate a CATV subscriber's
23 bill is unrelated to rate regulation and is permitted by the federal
24 "Cable Television Consumer Protection and Competition Act of
25 1992," 47 U.S.C. s.552, as a consumer protection; and

26 b. The Legislature therefore determines that it is in the public
27 interest to require a CATV company to prorate a CATV
28 subscriber's bill upon the establishment and termination of CATV
29 service and for a CATV company to file annually with the Board of
30 Public Utilities a CATV company's terms and conditions for
31 review.

32
33 2. (New section) a. A CATV company shall render bills for
34 CATV service on a monthly, bi-monthly, quarterly, semi-annual or
35 annual basis and bills shall be prorated upon the establishment and
36 termination of services rendered by a CATV company.

37 b. If a CATV company electronically disconnects or otherwise
38 curtails, interrupts, or discontinues all or a portion of the
39 subscriber's services for non-payment of a valid bill or for any other
40 reason pursuant to State or federal law or regulation, the CATV
41 company shall prorate the charges for the affected services as of the
42 date of the electronic service curtailment, interruption, or
43 discontinuance.

44
45 3. Section 11 of P.L.1972, c.186 (C.48:5A-11) is amended to
46 read as follows:

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

Matter underlined thus is new matter.

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

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

10 (3) On an annual basis, a CATV company shall electronically
11 file, using any reasonable means and format, the CATV company's
12 terms and conditions with the board for review, and, as applicable,
13 electronically file with the board any specific changes to the CATV
14 company's terms and conditions to the extent required by State or
15 federal law.

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

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

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

44 e. Whenever, pursuant to the provisions of P.L.1972, c.186
45 (C.48:5A-1 et seq.), the board or the director is required to
46 determine whether any of the rates, charges, fees, and
47 classifications of a CATV company are unjust, unreasonable,
48 discriminatory, or unduly preferential, there shall be taken into

1 consideration any fees which are charged for the use of a CATV
2 system, or part thereof, as an advertising medium, or for services
3 ancillary to that use, and from which the CATV system derives
4 revenue, directly or indirectly, and the effect thereof upon, the
5 CATV company's requirements for revenue from the fees, rates,
6 charges, and classifications subject to the provisions of this section.

7 f. **【The】** Except as provided in paragraph (3) of subsection a.
8 of this section, the provisions of this section shall not apply in any
9 area where there is effective competition as that term is used in 47
10 U.S.C. s.543.

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

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

48 (cf: P.L.2013, c.232, s.1)

1 conditions for review. The bill also amends existing law to require
2 CATV companies to provide written notice to its customers within
3 each bill of the various means of compensation, including the
4 proration of bills, for CATV service outages lasting six or more
5 hours.

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8 subscriber is fair and transparent. Requiring a CATV company to
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10 termination of CATV service safeguards a CATV subscriber from
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12 receive. The Legislature therefore determines that it is in the public
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