



Agenda Date: 11/28/07
Agenda Item: IIIA

**State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/**

CABLE TELEVISION

IN THE MATTER OF COMCAST CABLE COMMUNICATIONS,)
LLC REQUEST FOR TWO WAIVERS AS WITHIN TIME,) ORDER
OF THE 30-DAY NOTICE PERIOD FOR FILING OF AN
ALTERATION IN CHANNEL ALLOCATION PURSUANT
TO N.J.A.C. 14:18-3.17(A) AND (B)) BPU DOCKET NO. CO07100770

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letters dated October 4, 2007, Comcast Cable Communications, LLC., (Comcast or Petitioner), sought two Board waivers, as within time, of the 30-day notice period for the filing of a notice of an alteration in channel allocation pursuant to N.J.A.C. 14:18-3.17 (a) and (b).

Comcast maintains that the waiver requests are necessary, because Petitioner did not have sufficient time to comply with the 30-day notice requirement. According to Comcast, on October 1, 2007, WPIX and WPHL-MY, broadcast operators in Comcast's northern and southern New Jersey areas, respectively, gave notice that, effective October 1, 2007 they would cease delivering The TUBE channel programming, previously carried on channel 250 on Comcast's Digital Service Tier.

Comcast asserts that municipal officials were notified of the change by mail on or about October 2, 2007, and subscribers were notified on or about October 1, 2007 via on-screen notices, which were followed by bill messages.

Comcast is also requesting a waiver of the 30-day notice requirement applicable to the Office of Cable Television (OCTV) and affected municipalities pursuant to N.J.A.C. 14:18-3.17 (a) with respect to channels EWTN and C-SPAN 2. Comcast states that on September 29, 2007, a newspaper notice was published in the Trenton Times informing subscribers of the Hopewell/Lambertville system that effective October 31, 2007, channels EWTN and C-SPAN 2, previously shared on channel 98 would move to channels 291 and 104 respectively. However, notice of the changes was inadvertently omitted from the Notice of Channel Alteration form submitted to the OCTV and the notice sent to the municipalities. Comcast notified the OCTV and the affected municipalities through a letter dated October 3, 2007 of the channel changes, resulting in a two-day notice delay.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV, subscribers and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion. N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing

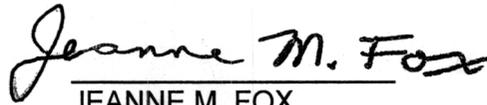
notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. In addition to this requirement, the cable television operator must "provide the required notice at the earliest possible date". Based upon this regulation, Petitioner seeks a waiver, as within time, of the 30-day notice requirements of N.J.A.C. 14:18-3.17 because Petitioner was unable to provide sufficient notice to the OCTV, subscribers and municipalities prior to the deletion.

The deletion of The TUBE channel, as well as the migration of the EWTN and C SPAN 2 channels, did not result in rate changes to current Comcast subscribers.

Having reviewed this matter, the Board HEREBY FINDS that the waivers are appropriate under the present circumstances. Comcast was notified of the deletion of The TUBE channel by the programming carriers with insufficient time to comply with the required 30 days prior notice, but informed the Board, subscribers and affected municipalities of the deletion of service at the earliest date possible. Further, with respect to the EWTN and C- SPAN 2 channels, Comcast properly notified the OCTV and municipalities affected by the channel changes as soon as it became aware of the oversight. Therefore, the Board HEREBY APPROVES, as within time, Petitioner's requests for waivers of the alteration in channel allocation filing requirements as permitted under N.J.A.C. 14:18-3.17(c) (3) and N.J.A.C. 14:18-3.17 (c) (1), respectively.

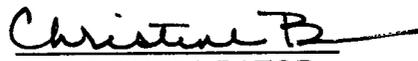
DATED: 11/28/07

BOARD OF PUBLIC UTILITIES
BY:

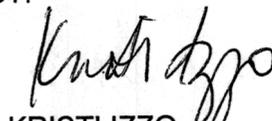

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

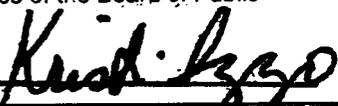

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**COMCAST CABLE CORPORATIONS, LLC
REQUEST FOR TWO WAIVERS, AS WITHIN TIME, OF THE 30-DAY NOTICE PERIOD FOR
FILING OF AN ALTERATION IN CHANNEL ALLOCATION PURSUANT TO N.J.A.C. 14:18-
3.17 (A) AND (B)
DOCKET NO CO07100770**

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