



Agenda Date: 12/17/09
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 CABLEVISION SYSTEMS)
CORPORATION REQUEST FOR WAIVER, AS WITHIN)
TIME, OF THE ADVANCE NOTICE REQUIREMENT FOR)
FILING OF AN ALTERATION IN CHANNEL ALLOCATION)
PURSUANT TO N.J.A.C. 14:18-3.17 (A) AND (B))

ORDER

DOCKET NO. CO09100832

(SERVICE LIST ATTACHED)

Adam E. Falk, Vice President of Government and Regulatory Affairs, for Cable Systems Corporation

BY THE BOARD:

By letter dated October 6, 2009, Cablevision Systems Corporation, (Cablevision or Petitioner), sought a Board waiver, from the Board of Public Utilities ("Board") as within time, of the advance notice requirement 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). Along with the above waiver request, Cablevision filed a notice of channel alteration in channel allocation notifying the Office of Cable Television ("OCTV") that on September 24, 2009 The Tennis Channel programming was launched.

Cablevision respectfully seeks a waiver pursuant to N.J.A.C. 14:18-3.17(c) (2) of the Board's advance notice requirement with respect to the addition of The Tennis Channel and the Tennis Channel HD, effective September 24, 2009.

On August 27, 2009, Cablevision originally notified the OCTV of its plan to launch The Tennis Channel, assigned to channel 399 and The Tennis Channel HD assigned to channel 795, as an addition to the iO Sports Pak programming, effective August 28, 2009. However, thereafter, Cablevision notified the OCTV that the Tennis Channel refused to authorize the signal under Cablevision's carriage agreement and that discussions were on going.

On September 24, 2009, The Tennis Channel accepted the terms of Cablevision's carriage agreement and authorized the signal making the programming available on that day. Cablevision immediately notified OCTV of the availability of The Tennis Channel to iO Sports Pak subscribers.

Cablevision asserts that municipal officials were notified of the change by mail on September 24, 2009, and subscribers were notified on or about September 24, 2009 via guide channel scrawl and through bill messages.

Cablevision asserts that because The Tennis Channel authorized the signal on September 24, 2009 on the same day it accepted the terms of Cablevision's carriage agreement, Cablevision could not make prior notification to the Board, the affected municipalities and subscribers but it did so immediately on the same day.

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 additions in advance or prior to the effective date of the channel addition. N.J.A.C. 14:18-3.17 (c) (2) provides, in part, for the relaxation of the time for providing notification upon a showing by the cable television operator that it has acted to provide the required notice at the earliest possible date and timely compliance is impossible due to the unforeseeable actions of third parties beyond the cable television operator's control.

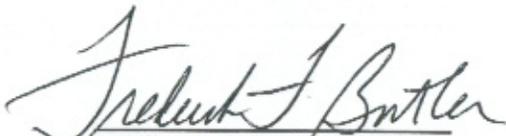
Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances and Cablevision has notified the Board, subscribers and affected municipalities of the addition of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, as within time, Petitioner's request for a waiver of the alteration in channel allocation filing requirements as permitted under N.J.A.C. 14:18-3.17(c) (2).

DATED: 12/17/09

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



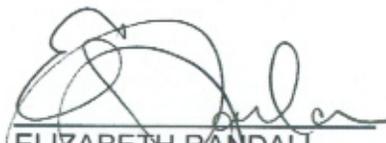
FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER

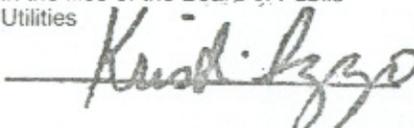


ELIZABETH RANDALL
COMMISSIONER

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



KRISTI IZZO

SERVICE LIST

**IN THE MATTER OF CABLEVISION SYSTEMS CORPORATION REQUEST FOR WAIVER,
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. CO09100832

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