



Agenda Date: 2/11/09

Agenda Item: III E

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CABLE TELEVISION

IN THE MATTER OF TIME WARNER CABLE CO.)
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))

ORDER

DOCKET NO. CO08100921

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated October 7, 2008, Time Warner Cable Co, (Time Warner or Petitioner), sought a Board waiver, 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).

On October 2, 2008, Time Warner was notified by New Jersey Network (NJN) that, effective October 3, 2008, the Jersey Visions channel 754 and the PBS HD channel 755 would be discontinued.

Time Warner respectfully seeks a waiver pursuant to N.J.A.C. 14:18-3.17(C) of the Board's 30-day notice requirement with respect to the deletion of the Jersey Visions and PBS HD channels effective October 3, 2008.

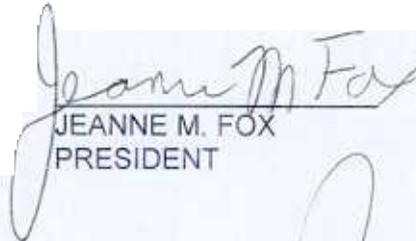
Time Warner states that municipal officials were notified of the change by mail on October 9, 2008, and subscribers were notified on or about October 6, 2008 via guide channel scrawl and followed by bill messages.

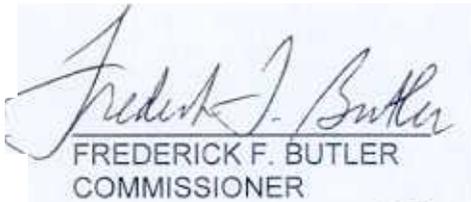
N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV, subscribers, and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion. N.J.A.C. 14:18-3.17 (c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a way as to leave the cable operator without sufficient time to comply. To fall under this relaxation clause, 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 based upon the lack of notice provided by the program provider.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances, based upon actions outside the control of the cable company. Time Warner notified the Board, subscribers and affected municipalities of the deletion 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) (3).

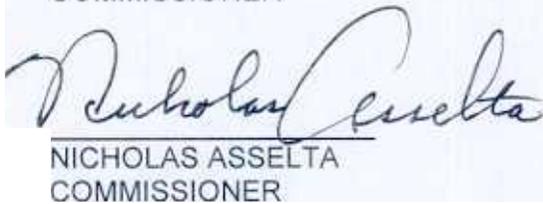
DATED: 2/11/09

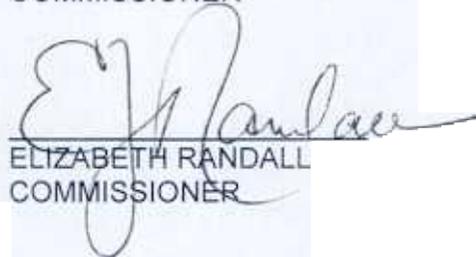
BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

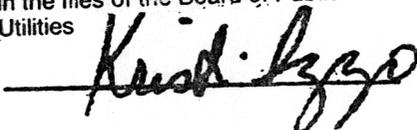

NICHOLAS ASSELTA
COMMISSIONER


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



SERVICE LIST

**IN THE MATTER OF TIME WARNER CABLE 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. CO08100921

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